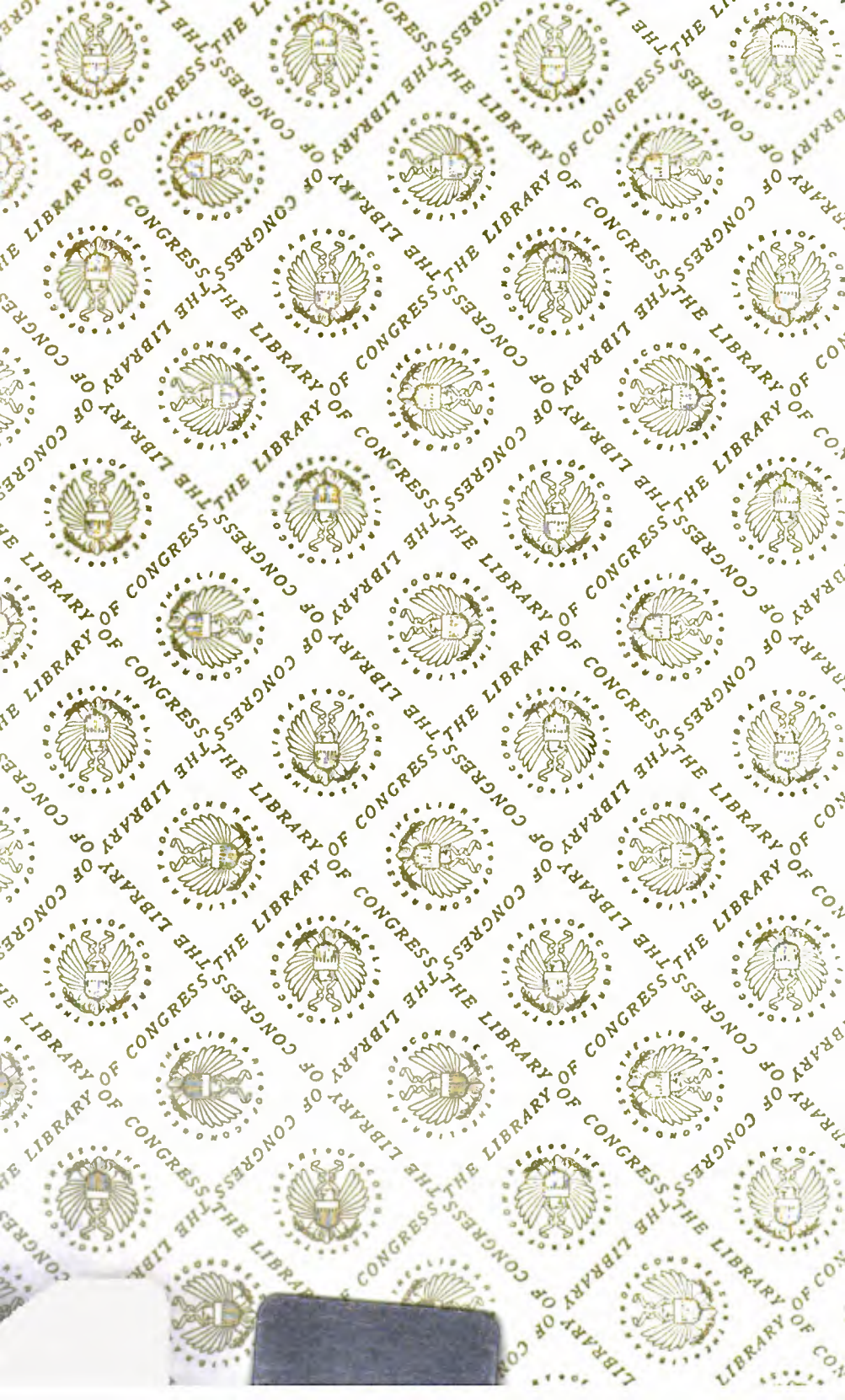
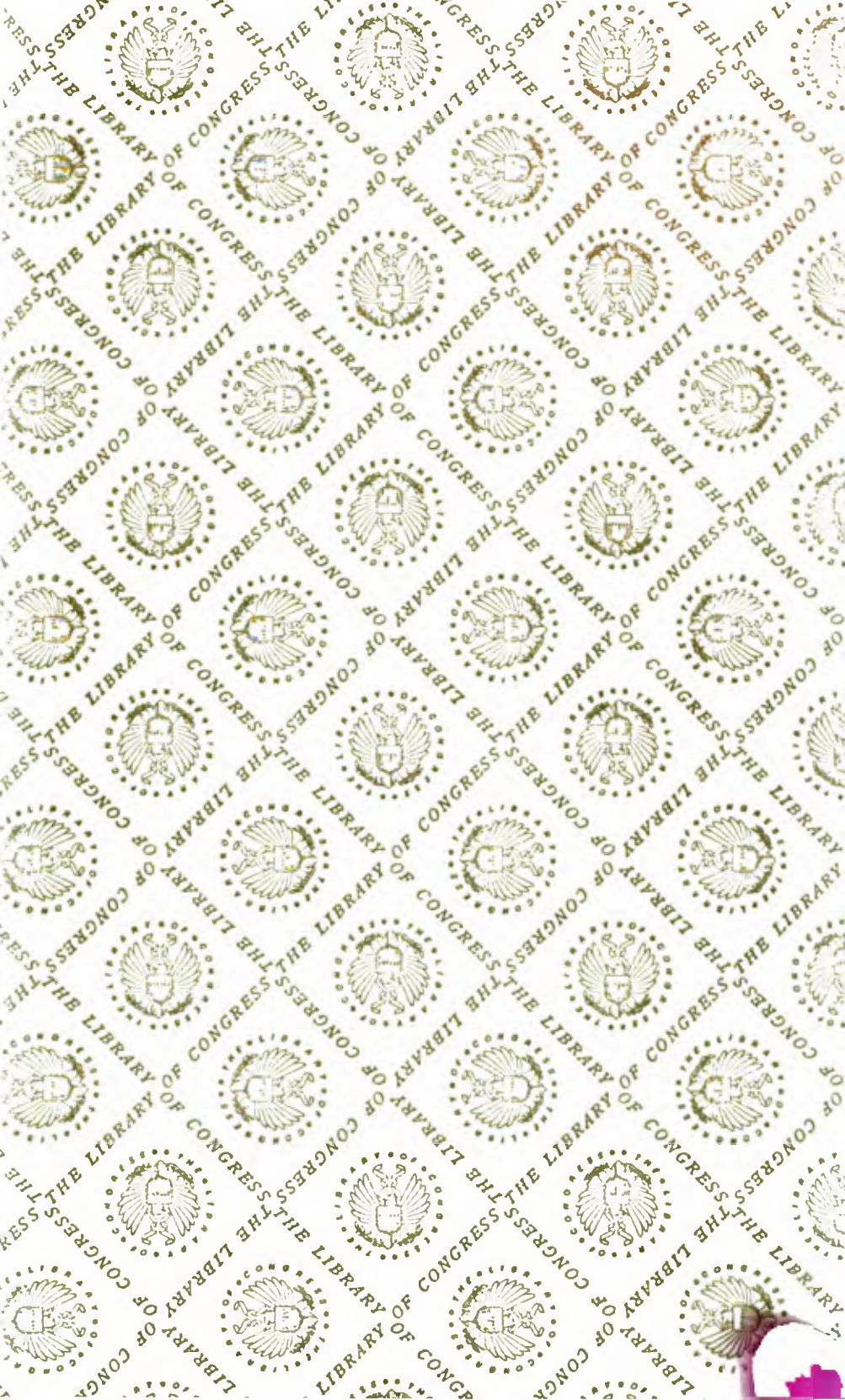


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# Legislation to Make "The Star-Spangled Banner" the National Anthem

*United States Congress. House. Committee  
on the Judiciary.*

HEARINGS

BEFORE THE

COMMITTEE ON THE JUDICIARY  
HOUSE OF REPRESENTATIVES

SEVENTY-FIRST CONGRESS

SECOND SESSION

ON

H. R. 14

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Serial 3



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**COMMITTEE ON THE JUDICIARY**

**HOUSE OF REPRESENTATIVES**

**SEVENTY-FIRST CONGRESS, SECOND SESSION**

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**LEGISLATION TO MAKE "THE STAR-SPANGLED BANNER"  
THE NATIONAL ANTHEM**

**HOUSE OF REPRESENTATIVES,**  
**SUBCOMMITTEE OF COMMITTEE ON THE JUDICIARY,**  
*Friday, January 31, 1930,*

The subcommittee met at 10 o'clock a. m., Hon. Leonidas C. Dyer (chairman) presiding.

Mr. DYER. The committee has been called together for the purpose of hearing from Mr. Linthicum, and such witnesses as he desires to present this morning, testimony touching H. R. 14, to make The Star-Spangled Banner the national anthem of the United States of America, and also House Resolution 47, by Mr. Celler.

[H. R. 14, Seventy-first Congress, first session]

A BILL To make The Star-Spangled Banner the national anthem of the United States of America

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the poem written by Francis Scott Key entitled "The Star-Spangled Banner," with music by John Stafford Smith, be, and the same is hereby, declared to be the national anthem of the United States of America and under its care and protection.*

[H. J. Res. 47, Seventy-first Congress, first session]

JOINT RESOLUTION Proposing the adoption of the Star-Spangled Banner as the national anthem

Whereas the Star-Spangled Banner for more than a century of use has become deeply enshrined in our hearts as the anthem of our country; and

Whereas tradition and history have always associated the melody and words of this immortal song with heroic deeds and patriotic endeavor; and

Whereas both the Army and Navy have adopted it as their anthem; and

Whereas on occasions certain musical conductors have been guilty of refusing to play it: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Star-Spangled Banner be adopted and authorized as the national anthem of the United States of America, and that recognition be given to it as such on all appropriate occasions.

Now, Mr. LINTHICUM, we will hear you.

Mr. LINTHICUM. Mr. Chairman, before beginning the hearings, we will have the Star-Spangled Banner played by the band, Lieut. Charles Benter, leader.

Mr. CELLER. Of the Navy Band?

Mr. LINTHICUM. The Navy Band.

(At this point, the band played the Star-Spangled Banner, the words being sung by Mrs. Elsie Jorss Reilley, of Washington D. C.).

#### STATEMENT OF HON. J. CHARLES LINTHICUM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. LINTHICUM. Mr. Chairman, the purpose of H. R. 14, and of my colleague's bill, H. J. Res. 47, is to have Congress and the administration indorse as the national anthem the poem written by Francis Scott Key known as The Star-Spangled Banner. This poem has been promulgated by the Army and the Navy, approved by the President, with music, almost from the time that man's memory runneth not to the contrary. Ever since the War of 1812, ever since it was written in 1814, it has been adopted by the Army and the Navy as the national anthem of our country. There have been suggestions at various times for some other song or poem to be adopted as the national anthem, but national anthems can not be written at any time—they are inspired. It has become dear to the hearts of the people. There must be an inspiration, there must be background for the creation of a national anthem.

This national anthem written by Francis Scott Key, as everybody knows, was written at old Fort McHenry, Md. Congress has provided funds for the rehabilitation of Fort McHenry. The fort has been reconstructed in the manner it was in 1814 during the war and when The Star-Spangled Banner was written. As Key stood on that ship, anchored out from Fort McHenry, on the 13th of September, he witnessed the battle between the British forces, commanded by Admiral Cockburn, at Fort McHenry and the Americans. He witnessed this battle throughout the entire day; he saw some 1,500 shells thrown at the old fort by the British forces and at night viewed the rockets red glare. This battle continued from 6 o'clock in the morning of the 13th throughout the day and up until the next morning. Francis Scott Key, laying out there in the harbor on this ship, viewed this whole battle.

Naturally, he wondered what the outcome would be. He realized that the British forces had invaded and captured Washington, and



burned the public buildings and some of the other places, and he wondered what would take place at Baltimore, where they had assembled great forces. And so, with this great tension, he wondered what would be the result to his country, to his native land and to his city of Baltimore. Darkness grew on, the battle continued, and he was there on the ship. He could only know by a rocket or a shell thrown once in a while from the old fort that the old fort was holding out and, as the morning came on, he tried to peer through the darkness and ascertain whether the old fort was still holding out and, as the darkness lifted and he saw the Star-Spangled Banner waiving from the fort, he was inspired—he not only had the ability, but he was inspired by patriotism; he was inspired by the fact that this old fort was holding out against the tremendous forces which had fought in the battles of Napoleon. And then came the writing of this poem, The Star-Spangled Banner. No other anthem, no other poem, no other author, could ever get the setting which Key got when at old Fort McHenry when his country's fate hung in the balance and, when that song, that poem, was written by him, everybody began to sing it. It seemed to unite the forces of the South and of the North; it seemed to bring to this country something which it had never had—a national anthem, which meant everything to patriotism and everything to the future of our country. So this anthem, written by Francis Scott Key, united us into one great Nation; it gave us patriotism; it gave us something to center ourselves about and it meant more to the cause of freedom and to the winning of this second war of independence than a thousand or ten thousand bayonets would have meant.

So we come here to-day to ask something which has never been done, and that is the adoption of this poem by the National Government as it should be, so that, in future years, as it goes down, people will recognize it as having been adopted by the Congress of the United States and the President of this great Republic. I do not want to take too much time, but when you hear the music, or when you hear this lady sing it, or when it is sung anywhere, there seems to be an inspiration about us; there seems to be a feeling which no other music creates, there seems to be something in this poem, in this anthem, which affects us as no other poem or anthem could affect us.

I have a good many people here. We are represented by a great many organizations and we have a great many petitions, as you will note on the table. First, in presenting our case, I want to bring to the attention of the committee the name of a lady who has been back of this movement for the last 15 or 20 years; in season and out of season, she has advocated the adoption of Key's poem as the national anthem. She has carried the flag in many patriotic organizations in our State of Maryland and elsewhere; she has become known as the lady who is in favor of the adoption of The Star-Spangled Banner. Unfortunately, she is just now indisposed, after waiting for some 15 years, after waiting until the war had passed, after waiting until we could reconstruct ourselves, at this crucial moment, when she would have liked above all things to be here, she is unable to be with us. I mention no less a person than Mrs. Reuben Ross Holloway, chairman of the Star-Spangled Banner bill (applause). I have asked Mrs. N. L. Dashiell, president of the Maryland chapter Daughters of 1812 to

come here and to read a letter from her. But, first, we will have the band play The Star-Spangled Banner.

(The band thereupon played The Star-Spangled Banner.)

Mr. DYER. Captain, we are very much obliged to you and to the band.

Captain BENTER. Thank you.

**STATEMENT OF MRS. N. L. DASHIELL, ON BEHALF OF MRS. REUBEN ROSS HOLLOWAY, CHAIRMAN OF THE STAR-SPANGLED BANNER BILL, NATIONAL AND MARYLAND STATE SOCIETY, UNITED STATES DAUGHTERS OF 1812**

Mrs. DASHIELL. Mr. Chairman and members of the Judiciary Committee, may I quote from the Flag Circular of the War Department, The Adjutant General's Office, Washington, D. C., 32950-25:

"Salute to national anthem.

"When the national anthem is played, and the flag is not displayed, all present should stand and face toward the music. Those in uniform should salute at the first note of the anthem, retaining this position until the last note. All others should stand at attention, men removing the headdress. When the flag is displayed, the regular Salute to the Flag should be given.

"The Star-Spangled Banner is recommended for universal recognition as the national anthem."

Our anthem for the service is the anthem for the people; in these United States of America conditions are different from those of any other country, for we have within our gates and gathered to our bosom many who have become loyal, wonderful American citizens, and many who do not know and realize the courtesies due our laws, our customs, and our anthem. It is a matter of great education—many clinging to the anthem of their country; many, even Americans, wanting to thrust upon us other anthems to supplant our beloved Star-Spangled Banner! Behold the flag!

I salute you, the starry emblem of these United States of America—our country—the starry emblem with 13 stripes and a blue field, with 48 stars representing every State in the Union. Since 1918 a message has been sent to their Representatives and Senators from the Daughters of 1812 and many other societies, asking protection for The Star-Spangled Banner anthem written by Francis Scott Key September 14-15, 1814.

In 1922 a monument was erected at Fort McHenry to honor him; and after 22 years of watchful waiting and requests, on September 12, 1925, Fort McHenry, Baltimore, Md., was dedicated as a national shrine. From this fort, the Star-Spangled Banner majestically waved through the din of battle—still flew the flag of our country over the fort whence no other flag had ever flown, and which was the inspiration of our national anthem.

Time is too limited to go into details, but we, the national and State Society of the Daughters of 1812, have filed the first letter to Representative Linthicum, and his answer thereto, to introduce such a bill; and all data down through the years, and with great faith, we ask you in the name of Maryland and every State in the Union, and each one of the representatives of numerous organizations to stand as one asking for a favorable report on this appeal to protect and to make The Star-Spangled Banner the national anthem of the United States of America. Be it enacted!

Patriotically yours,

ELLA V. HOLLOWAY (Mrs. REUBEN ROSS HOLLOWAY),

Chairman Star-Spangled Banner Bill,

National and Maryland State Society, U. S. N. S. D. 1812, 1918-1930.

[Applause.]

Mr. LINTHICUM. Mr. Chairman, our next witness will be a gentleman who has given a very great deal of his time to this work and has gathered some 150 and more organizations to indorse it, has secured more than 5,000,000 signatures indorsing it and has secured some 25

or more governors of the various States. I speak of our distinguished friend, Capt. Walter I. Joyce, who will lay the matter before you. [Applause.]

**STATEMENT OF CAPT. WALTER I. JOYCE, CHAIRMAN AMERICANIZATION COMMITTEE, VETERANS OF FOREIGN WARS OF THE UNITED STATES**

Captain JOYCE. Mr. Chairman and honored members of the Judiciary Committee, I am appearing before you, in the first place, introducing myself as being employed 365 days of the year in patriotic work. I am not only national patriotic instructor, but I am chairman of the National Patriotic Committee and, as I say, I am working every day of the year. I have something here to offer your committee along the lines that I believe we are attempting to work and, in presenting this petition, I believe it to be the greatest that ever has been presented to the Congress, coming from every State in the Union and from some of our most prominent people and all our patriotic societies. If we had time and contact, we could have made it twenty times as many and we would have secured the signatures of almost everybody in our Nation, with the exception, perhaps, of a few. I will endeavor to take up as little time as possible, but I certainly want to be heard. I have worked for 19 months on this.

Over 5,000,000 citizens of the United States have indicated affirmatively, by signing a formal petition, that they desire Congress to make The Star-Spangled Banner the official national anthem of this country. Our purpose in coming here is to present that petition, explain its sources, and show your committee that these 5,000,000 are but a fraction of the citizens who want this official recognition granted this grand old song.

We believe that previous attempts to secure this recognition have failed because Congress lacked evidence of a general desire among the people for such action. Therefore we created a nation-wide organization to collect this evidence in the form of signatures to this petition, and in the added form of personal letters.

This organization consisted of a special committee of 62 members. It has been at work for the last 19 months. As I have said, we already have secured more than 5,000,000 signatures to this petition. They come from citizens of National, State, and local prominence as well as citizens seldom mentioned outside the neighborhood in which they live. Included are the signatures of 16 governors, many mayors, judges, and other officials. And through the assistance of our very good friend, Congressman Linthicum, who fathered this bill, we have telgrams this morning from 9 additional governors, making 25 all told, throughout the country. [Applause.] The names of a few of those who have signed this petition are shown on a separate list which I will leave with your committee.

In addition to individual signatures on this petition, we have quantities of signed letters showing clearly the interest of more than two thousand patriotic, civic, professional, fraternal and other organizations. We will leave with your committee lists of typical organizations which have aided in this campaign, as well as one list of organizations which have given official endorsement as a body to this Star-Spangled Banner campaign.

These signatures, and this nation-wide cooperation, are the basis for our estimate that an overwhelming majority of the citizens of the United States want the Star-Spangled Banner recognized as the official national anthem.

You gentlemen will have to vote on House Resolution 14. You want two things before you vote. You want reasons why the Star-Spangled Banner should be recognized officially as the national anthem, and you want evidence, that the people desire it. We have presented this evidence in the tangible form of this petition.

Songs, like poetry, have to be created at inspired moments by competent minds or they are not of great value. The Star-Spangled Banner was created by a cultured, educated man at a moment of great national danger. The strain of watching from Baltimore Harbor a night battle which might strike forever from the face of this earth the flag of his country, was the impelling and compelling background of Francis Scott Key when he wrote his immortal song. He was not asked to write it, nor ordered to do so. He wrote it because he could not help doing so.

No other song ever has meant anywhere near as much to our people. No composer working for pay or personal fame ever has achieved anything which could be considered worthy to take its place. It is the national anthem of the United States of America.

Army Regulations 250-5 (1-g-1) state:

The composition consisting of the words and music known as The Star-Spangled Banner is designated the national anthem of the United States of America.

The exact same wording occurs in chapter 5 (230-1) of Navy Regulations. The orders and regulations of the Army, the Navy and the Marine Corps frequently mention the national anthem in various ways and refer to the Star-Spangled Banner as being exclusively the national anthem. And The Flag Circular issued by The Adjutant General's office contains these words:

The Star-Spangled Banner is recommended for universal recognition as the national anthem.

It is interesting to note that this is not a part of Army Regulations, but is being issued by the War Department for use by civilians and for general information.

The Star-Spangled Banner is used in schools, theaters, and at many unofficial patriotic ceremonies. Though the British Government was our enemy, and though The Star Spangled Banner was written on a British ship of war by an American they held captive, yet it was a British band which broadcast our national anthem at the opening of the present Disarmament Conference in London, playing all four verses. The song does have a flavor of war, but its primary viewpoint, like that of our Nation, which it represents, is constructively peaceful.

For over a century our people have sung The Star-Spangled Banner. Recently it has been transposed so that now it is available for all voices. It is good music for a band or an orchestra, and is suitable for solo or group singing.

Furthermore, there is ample precedent if such be wished for official recognition being extended a song as the anthem of a nation, just as many of the States of the United States have adopted official songs.

Gentlemen, our plea is brief. The Star-Spangled Banner is our

national anthem. it deserves to be recognized officially as such, and there is our evidence that an overwhelming majority of the people want you to act affirmatively in this matter.

Now, gentlemen, with this mammoth petition, there are some outstanding features to which I would like to call attention. We have been in contact, through patriotic organizations, with very many States in the Union. There are some few States that we have not had much contact with (we admit that), but we have nothing detrimental to The Star-Spangled Banner from any of them. As special evidence we have here a few petitions which should be of telling interest:

A petition from the State of Minnesota headed, How Minnesota Stands on the Star-Spangled Banner Campaign. This petition is upwards of 20 feet in length containing all the officials of the State from the governor down, including the district court judges, the mayor of Minneapolis, and most of the members of the present Congress.

A petition headed by Mayor Rolph of San Francisco, Calif., with nearly all the city officials of San Francisco, Calif. On this petition Mayor Rolph states, in signing, as follows:

I do know that the Congress of the United States could not change the national anthem if they tried to.

A petition headed by Col. Charles E. Warren, president of the Lincoln National Bank of New York City, filled in practically with members of the Bankers Club of New York.

Petition from Missouri containing 582 names containing all the State officials, members of the Supreme Court, every member of both branches of the legislature, also the assistants of the officials and members of the Lyon's Club of Jefferson City, Mo.

A petition signed by The William and Mary Alumni Club, signed by the president who is the great grandson of Francis Scott Key.

Petition signed by the Governor of Michigan with practically all the State officials.

Petition headed by the Governor of Rhode Island and nearly all the State officials.

A petition containing the greater part of the New York State officials.

Petition from New Jersey headed by Governor Larson with many State officials.

Petition from St. Petersburg, Fla., containing a number of business men.

Petition received through the American War Mothers from Tucson, Ariz., signed by the superintendent, principals and teachers of that city.

Petition from Boone, Iowa, containing the signatures of teachers and housewives.

Petition from Buffalo, N. Y., containing the greater part of the members of the chambers of commerce.

A petition from Charleston S. C., headed by the mayor and signed by the members of the board of aldermen, also by prominent business men.

Petition from Jefferson City, Mo, signed by the warden of the State prison and all the employees.

Petition from Composer Praetorius in New York City, signed by musicians.



Petition from Allenton, Pa., signed by professional people.

Petition headed by the Lieutenant Governor of Massachusetts, with many prominent signatures.

Petition from Kentucky, signed by the governor and all the State officials.

Petition from Virginia, signed by the governor and all the State officials.

Petition from Florida, signed by the governor and all State officials and prominent business men.

Four petitions containing practically all the members of the National Soldiers Home in Virginia.

An indorsement from the Musical Mutual Protective Union, consisting of 5,000 musicians signed by all the officials of the society.

Three petitions from Albany, N. Y., signed by the officers of the department of correction.

Petition from Pittsburgh, Pa., with signature of Past Commander-in-Chief Colonel Grayson of the United Spanish War Veterans.

Petition from Greenville, S. C., signed by the leading business men.

Two petitions from Camden, N. J., signed by practically all the teachers of that city.

Petition from Manila, P. I., signed by the vice governor, secretary to the Governor-General, and other officials.

In addition to those, we have sent a list out and have appended a list of the various organizations which have supported us and unanimously brought the matter before their national meetings, where those national meetings have been possible. We have simply done this as a matter of love, believing that The Star-Spangled Banner is synonymous with our battle national emblem—the Stars and Stripes. [Applause.] We will show that they are together and never can be separated and we know one thing—mind you, I am not threatening this committee, or Congress, but I will say, whatever they do, they will never adopt anything else except The Star-Spangled Banner as our national anthem. [Applause.] They can not do it. It is in the hearts of the people. On the 4th of July, 1898, I sat on San Juan Hill, Cuba, and there were four Army bands playing The Star-Spangled Banner, and the men there were so sick they were in the pup tents around there, but there was not scarcely a man there who was able to stand but was enthused and inspired by that national anthem, and may God grant it will remain so forever. [Applause.]

Now yesterday I received this telegram from New York:

Capt. WALTER I. JOYCE,  
*Hotel Raleigh, Washington, D. C.:*

Sorry complications prevent my attendance at hearing on Star-Spangled Banner. Make every effort to have the anthem dear to the hearts of all American citizens officially declared as our national air. No other anthem can take the place of one that has endured over 100 years and which will live for all time to come as a tribute to those who have fought and bled for their country under the grand old Stars and Stripes.

EDWARD HAVEMYER SNYDER,  
*Major Commanding Old Guard of the City of New York.*

That is the first military association in New York. Here is another one:

Capt. WALTER I. JOYCE,  
*Care of Hotel Raleigh, Washington, D. C.:*

The Seventy-first Veterans Association assembled sends you its greetings and wishes you every success in making The Star-Spangled Banner our national anthem. Men who have defended the flag and millions of other demand that the Star-Spangled Banner be made our national anthem and we ask that you and your committee work zealously to bring this about. The boys send you their kind regards.

ROBERT S. O. LAWSON,  
*President Seventy-first Veterans Association.*

Then here is another one:

Capt. WALTER I. JOYCE,  
*Director Star-Spangled Banner Campaign Committee,  
Care, Judiciary Committee, House of Representatives:*

My heart whole prayers are with you who represent the patriots of these United States in defense of our national anthem. May divine inspiration contact the unanimous determination of our representatives in the Senate and the House attested by the President of the United States to nationalize The Star-Spangled Banner by Francis Scott Key by Federal adoption. Wire me results. Faithfully yours.

PAURA B. PRISK,  
*Mother of The National Flag Day,  
Zephyr Hills, Pasco County, Fla.*

My correspondence is 4 feet high in connection with this matter. I devote practically all of my time to it. Now, Exhibit 1—this is the petition that I speak of from Minnesota [exhibiting].

Mr. DYER. Captain, you intend to leave, of course, the petitions with the committee.

Captain JOYCE. I will leave everything, sir.

Mr. DYER. You can call attention to just what the petitions contain, in a word. Probably that would be ample, but use your own judgment.

Captain JOYCE. The only thing I want to say is there are some very outstanding features in this proposition, brought about by people who have never received 1 cent for circulating petitions and getting signatures—not one penny, in any way, shape or manner. It has been done purely from loyalty and love for the flag.

Another reason why our organization took up this matter is that you can not find any other way—no commercial reason for it. We have nothing to pay, nothing to make from it. We do not wish the honor; we wish Mrs. Holloway to have the honor, and everybody else who has taken part in this, who has been at the head in trying to bring this about. But we do want a national anthem adopted, and we want The Star-Spangled Banner. I thank you. [Applause.]

Here is a list of the various organizations supporting it. They have already been circulated, and I think all of you gentlemen have received them. I only ask that you will just listen to our prayer.

Mr. LINTHICUM. Mr. Chairman, I believe the committee and every one here feel very gratified to know that we have such citizens as Captain Joyce, who work for these matters patriotically and without stint of time, giving their whole life to it, as he has done. I feel very grateful for the assistance he has given us and am quite sure the committee feel a great respect for such men who take part in patriotic matters of this kind. Captain Joyce has given you an outline of what he produces here as evidence, asking that this poem be made the

national anthem—these petitions, containing 5,000,000 signatures, 150 organizations, 25 governors, and various petitions from business organizations and other people from all over the country. And I feel, as he said, if he could have gotten in contact with twenty times as many, that he would have gotten their signatures, asking that this be done.

Another friend who has worked very hard on this matter is my dear friend here on my right, Capt. Edwin S. Bettelheim, jr., chairman of the legislative committee of the Veterans of Foreign Wars. I would like Captain Bettelheim to say a few words.

**STATEMENT OF CAPT. EDWIN S. BETTELHEIM, JR., CHAIRMAN  
OF THE LEGISLATIVE COMMITTEE OF THE VETERANS OF FOR-  
EIGN WARS**

Captain BETTELHEIM. Mr. Chairman and members of the committee, before I proceed, I wish to announce that one of my associates here in Washington in work similar to mine, namely, Capt. Thomas Kirby, chairman of the national legislative committee of the Disabled American Veterans of the World War, stepped in this room early in the morning and announced it was necessary for him to appear before the Committee on World War Veterans' Legislation, as he has called to testify this morning. He asked me to announce that he had been here; he would have said that his organization has, by resolution, indorsed the bill.

Without intending to bother you with a lot of testimony and hearings, I would like to submit for the record the actual telegrams that have just been received from these various governors of whom Captain Joyce spoke.

Mr. LINTHICUM. That is in addition to the 16 he mentioned?

Captain BETTELHEIM. In addition to the 16 he mentioned.

(The telegrams are as follows:)

CHARLESTON, W. VA., *January 29, 1930.*

HON. J. CHARLES LINTHICUM,  
*House of Representatives, Washington, D. C.:*

I join other governors in recommending that Congress enact necessary law making Star-Spangled Banner the national anthem. Understand it has been officially designated the national anthem by the Army and Navy and is so considered throughout the Nation and is generally considered as such throughout the countries abroad.

WM. J. CONLEY, *Governor.*

SANTA FE, N. MEX., *January 28, 1930.*

HON. J. CHARLES LINTHICUM,  
*House of Representatives, Washington, D. C.:*

I take pleasure in indorsing Star-Spangled Banner as national anthem.

R. C. DILLON,  
*Governor of New Mexico.*

BOISE, IDAHO, *January 29, 1930.*

HON. J. CHARLES LINTHICUM,  
*House of Representatives, Washington, D. C.:*

I indorse bill requesting Congress to make Star-Spangled Banner the national anthem.

H. C. BALBRIDGE,  
*Governor of Idaho.*

SPRINGFIELD, ILL., January 29, 1930.

HON. J. CHARLES LINTHICUM,  
*House of Representatives, Washington, D. C.:*

I am just in receipt of your telegram relative to the hearing before the Judiciary Committee on bill requesting Congress to make Francis Scott Key's poem entitled "The Star-Spangled Banner" the national anthem and wish to express my approval of this bill.

LOUIS L. EMMERSON, *Governor.*

LITTLE ROCK, ARK., JANUARY 30, 1930.

HON. J. CHARLES LINTHICUM,  
*House Office Building, Washington, D. C.*

You may add my indorsement to bill requesting Congress to make Francis Scott Key's Star-Spangled Banner the national anthem.

HARVEY PARNELL, *Governor.*

SALT LAKE CITY, UTAH, January 30, 1930.

HON. J. CHARLES LINTHICUM, M. C.,  
*House Office Building, Washington, D. C.:*

Please add my indorsement of Francis Scott Key's poem entitled "The Star-Spangled Banner" as the national anthem to those which you already have received.

GEORGE H. DERN.

NEW ORLEANS, LA., January 30, 1930.

HON. J. CHARLES LINTHICUM,  
*House of Representatives, Washington, D. C.:*

Retel bill requesting Congress to make Francis Scott Key's poem entitled "The Star-Spangled Banner" the national anthem is hereby indorsed by me.

HUEY P. LONG, *Governor.*

COLUMBIA, S. C., January 30, 1930.

HON. J. CHARLES LINTHICUM,  
*House of Representatives, Washington, D. C.:*

I strongly indorse bill to make "The Star-Spangled Banner" the national anthem.

JOHN G. RICHARDS,  
*Governor of South Carolina.*

Captain BETTELHEIM (continuing). Mr. Chairman and gentlemen, there was some sentiment prior to recent days that possibly some of the musicians of the country might not be in favor of this piece of music as it is written. Captain Joyce spoke about the resolution and petition that he had received from 5,000 musicians, from the Musical Mutual Protective Union. I would like to submit for the record this petition, signed by the president, secretary, treasurer, trustees, board of directors, and so forth, as a matter of record.

(The petition above referred to is as follows:)

STAR-SPANGLED BANNER CAMPAIGN—MUSICAL MUTUAL PROTECTIVE UNION

We, the undersigned American citizens, most respectfully and in all sincerity commit ourselves in favor of the Congress of the United States giving recognition to what is known as our anthem, The Star-Spangled Banner, by officially adopting it as our National Anthem.

Regularly moved and seconded that the Musical Mutual Protective Union comprised of over 5,000 musicians, chartered under the laws of the State of New York in 1864, most respectfully and in all sincerity commit ourselves in favor of the Congress of the United States giving recognition to what is known as our

## 12 MAKE "THE STAR-SPANGLED BANNER" NATIONAL ANTHEM

anthem, The Star-Spangled Banner, by officially adopting it as our National Anthem, and a copy of this resolution be forwarded to Capt. Walter I. Joyce of the Veterans of Foreign Wars of the United States, Washington, D. C., as well as to Congress.

[SEAL.] Henri Conrad, secretary; Wm. F. Killgast, treasurer; Sig Pollatschek, financial secretary; W. N. Bartow, trustee; Sam Goldletter, trustee; Richard McCann, trustee; Richard Cohn, board of director; H. P. Venizia, board of director; Samuel Suber, board of director; Max Welker, board of director; John A. Halloway, board of director; Conrad Mayer, board of director; Isidor Miller, vice president.

Captain BETTELHEIM (continuing). I would like to submit for the record an appeal which you gentlemen undoubtedly have before you, asking that the words and music of this Star-Spangled Banner that we heard played and sung to-day, be adopted by Congress as the official national anthem of our country. This petition outlines some of the major organizations who, by resolutions by their national conventions and encampments and by resolutions or otherwise, have indorsed the measure. They are headed by the Veterans of Foreign Wars of the United States, showing a strength of 125,000; the Ladies Auxiliary of the Veterans of Foreign Wars of the United States, 50,000; Daughters of the American Revolution, 190,000; Knights of Columbus, 700,000; United Spanish War Veterans and Auxiliary, 100,000; the American War Mothers, 50,000; the Daughters of America, 160,000; and so on down the line.

(The petition above referred to is as follows:)

### AN APPEAL TO CONGRESS TO RECOGNIZE THE STAR-SPANGLED BANNER AS OUR NATIONAL ANTHEM

The Star-Spangled Banner was an inspiration written by Francis Scott Key at the time of a crisis, and it has been considered our national anthem for 116 years, although never officially adopted by Congress, it is respected as such at home and abroad, and we are attempting to show that the greater part of the citizens of our beloved country want the Star-Spangled Banner and nothing else.

A nation's traditions are best preserved in song and story and America should not be deprived of the memory of the gallant defense of Fort McHenry against overwhelming forces simply because pacifistic minds dislike its courageous challenge and stirring tones.

Songs of victory have never caused war in the past. There is no reason to believe that adoption of The Star Spangled Banner as our official anthem will some day plunge us into conflict because of its victorious fervor.

The words and music are peculiarly adapted to the purpose and in presenting this mammoth petition, we guarantee that every signature is that of an American citizen who signed it voluntarily, and that never a penny has been paid for soliciting signatures.

The writer, who has personally secured a large number of signatures, has never found but one individual who has refused to sign and that individual is known to be a confirmed pacifist. We have endeavored to answer all objections and in this summing up we find there are practically no reasons why it should not be officially adopted. This movement has millions of citizens and voters back of it; it has been indorsed by the greater number of the veteran, patriotic, and many civic and so-called secret organizations. Many editorial articles have appeared in the newspapers throughout the country favoring the Star-Spangled Banner as our national anthem. The organizations throughout the country who have participated in this campaign feel that the Star-Spangled Banner is synonymous with our beautiful national emblem, the Stars and Stripes. Many thinking people, many men and women well known for their patriotic work have given this movement enthusiastic support.

It is not in any sense a political issue; it is in the interests of our flag and our country. Attempts have been made from time to time to replace it, to discard it, and even to defame it. It has a glorious history, it is significantly American, and in the judgment of the people who have labored to have it officially pronounced



our anthem, we can not see a single reason for ignoring this appeal. Objections have been made from time to time because of the difficulty of the ordinary voice reaching the high notes in which it was originally written; this objection has been entirely eliminated by transposing it so that now it can be sung by the ordinary voice and becomes inspiring with congregational singing. We could go on in great length and give very many interesting experiences that have happened during this campaign. It is a peace-time anthem as well as one fitted for war time. Prizes have been offered from time to time to encourage the production of something that might be considered more fitting for a national anthem. These competitive activities have produced practically no results, at least, by this method nothing has been found that would be considered good enough to cast aside our beautiful anthem. Why go to further expense and trouble when we have already before us something that the people want and they want it officially recognized.

Among the various organizations who have unanimously indorsed the movement and have expressed their belief in The Star-Spangled Banner are:

Veterans of Foreign Wars of the United States, 125,000 strong.

Ladies' Auxiliary of the Veterans of Foreign Wars of the United States, 50,000 strong.

Daughters of the American Revolution, 190,000 strong.

Knights of Columbus, 700,000 strong.

United Spanish War Veterans and Auxiliary, 100,000 strong.

The American War Mothers, 50,000 strong.

The Daughters of America, 160,000 strong.

Sons of the American Revolution, about 40,000 strong.

Junior Order of American Mechanics, about 200,000 strong.

The American Legion and Ladies' Auxiliary, practically 1,000,000 strong.

Grand Army of the Republic, about 60,000 strong.

Ladies of the Grand Army of the Republic, about 50,000 strong.

United States Patriots, about 5,000 strong.

Patriotic Order Sons of America, about 100,000 strong.

Alden Kindred, 10,000 strong.

National Society Daughters of 1812, strength unknown.

National Society of the Daughters and Founders and Patriots of America, strength unknown.

Allentown Flag Day Association, strength unknown.

American Flag Association, strength unknown.

Star Spangled Banner Flag House Association, strength unknown.

Society of the Army of Santiago, strength unknown.

National Flag Association, strength unknown.

Disabled American War Veterans.

American Coalition, strength unknown.

Seventy-first Regiment Veteran Association, 700 members.

Old Guard of New York, 250 members.

Second Massachusetts Veteran Association, 500 members.

Order of Owls, 1,000,000 strong.

Sons of Union Veterans, 60,000 strong.

Girls Athletic Association of Virginia, strength unknown.

Allentown Brass Band, 100 strong.

Here is a list of organizations who have sent us thousands of signatures, and we have every reason to believe that they are practically unanimously in favor:

Association of United States War Veterans.

Knights of the Golden Eagle.

Fraternal Order of Eagles.

Sons of Veterans.

Auxiliaries Sons of the Union Veterans of the Civil War.

Young Men's Christian Association.

Benevolent Protective Order of Elks.

Independent Order of Odd Fellows.

Order of Rebeeca.

Masonic bodies.

Eastern Star chapters.

Ladies' Auxiliaries of the American Legion.

Women's clubs of various parts of the country.

Prominent hotels.

Knights of Pythias.

Pythian Sisters.

Improved Order of Red Men.

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Regimental Veteran Associations.  
Woodmen of the World.  
Modern Woodmen of America.  
International Alliance Bill Posters and Billers.  
Imperial Order of the Dragon.  
Political and Civic Clubs.  
Banks and industrial establishments.  
Women's Relief Corps.  
The American Women's Legion, announced as 8,000.  
I. O. O. F.  
W. C. T. U.  
The Eagles.  
Many units of the Association of Women's Clubs in America.  
Many regimental veteran associations.  
Many commercial clubs and hotels.  
Governors and their staffs of at least 16 States.  
Many mayors.  
City officials.  
Veterans' clubs.  
Many members of the Military Order of the Foreign Wars.  
Many members of the Military Order of the World War.  
Many newspapers and magazines have indorsed it editorially.  
Many members of the State legislatures.  
Many authors and writers.  
Military Order of the Serpent.  
Military Order of the Cooties.  
Loyal Order of the Moose.  
Red Cross chapter.  
Camp Fire Girls.  
Y. M. C. A. workers.  
Women's Non-Partisan League, New York City.  
Daughters of Union Veterans.  
Chambers of commerce.  
P. O. of A. Camps.  
Company K, One hundred and twenty-seventh Infantry, Milwaukee, Wis.  
Police departments.  
Fire departments.  
United States Navy officials and men.  
American Red Cross.  
Government employees.  
City employees.  
Knights of Cross.  
L. C. B. A., Buffalo, N. Y.  
The Society for Women's Work of the Broadway Tabernacle Church, New York City.  
Girl Scouts of America.  
Boy Scouts of America.  
National Soldiers Homes.  
Women's Republican Clubs.  
National Association Power Engineers, Des Moines, Iowa.  
Jolly Girls Club, Sioux City, Iowa.  
Branch No. 7, Fleet Reserve Association, Portsmouth, N. H.  
Women's Benefit Association, Binghamton, N. Y.  
Unity Fife and Drum Corps, Johnson City, N. Y.  
Army and Navy Union.  
A. O. U. W.  
F. P. A.  
Patriotic Order of Americans, 150,000.  
The Grange.  
Daughters of the Revolution.  
Good Citizenship League.  
Many musical societies.  
The Chinatown Mission (Tom Noonan).  
Daughters of the Defenders of the Republic, United States of America.  
Gold Star Mothers.  
General Federation of Women's Clubs.  
Womans Clubs of New York State.

Editor, National Republic.  
 American Federation of Labor.  
 Society of the American Wars of United States.  
 American Women's Association.  
 Boy Rangers of America.  
 Boy Scout Foundation of Greater New York.  
 Brotherhood of America.  
 Colonial Dames of America.  
 National Civic Federation.  
 Colonial Sons and Daughters.  
 General Society of Colonial Wars.  
 Foresters of America.  
 Society of American Foresters.  
 Legion of Valor of United States of America.  
 Military and Naval Officers of World War.  
 Naval Reserve Officers Association, United States.  
 United States of America Naval Veterans.  
 Pilgrim Society.  
 National Security League.  
 Sons and Daughters of Liberty, 109,000.  
 Sons of the Revolution.  
 Sons of Confederate Veterans.  
 Supreme Circle of Forest Woodmen.  
 World War Amputations Association (Inc.).  
 Hebrew Association of New York.  
 General Society of the War of 1812.  
 Royal Neighbors of America.  
 Royal Arcanum.  
 National Society Daughters of the Union.  
 National Association of Letter Carriers.  
 The Maccabees.  
 National Association Naval Veterans.  
 Knights of Sherwood Forest.  
 Guardians of Liberty.  
 United Order of the Golden Cross.  
 Fraternal Order of Orioles.  
 Daughters of Liberty.  
 Brotherhood of American Yeomen.  
 Ancient and Illustrious Order of Knights of Malta of America.  
 Ancient Order of Hibernians in America.  
 American Flag House and Betsy Ross Memorial Association.  
 The Wheel of Progress.  
 Also many other organizations too numerous to mention.

WALTER I. JOYCE,  
*Director National Americanization Committee,  
 Veterans of Foreign Wars of the United States,  
 New York City, N. Y.*

JANUARY 25, 1930.

Mr. DYER. Captain, what have you from the American War Mothers, nationally speaking?

Captain BETTELHEIM. There will be a representative here.

Mr. DYER. Very well.

Captain BETTELHEIM. There will be a representative here from these several organizations. I spoke with Mrs. McClure, the national president of American War Mothers, yesterday, at the D. A. R. Hall, and she said if she could not get here herself, she would have some one here this morning to speak for them.

Mr. DYER. I want to say I have received indorsements for it from the American War Mothers in my State, and I was just interested to know of that was nation wide.

Captain BETTELHEIM. While Captain Joyce was speaking, I just happened to pull out of that pile some papers and I noticed one

lengthy petition from the Crescent Chapter, Louisville, Ky., of American War Mothers; and there is the petition [exhibiting].

Mr. DYER. My question was directed to whether or not the national organization had taken action.

Captain BETTELHEIM. Yes, I believe they did, but their representative will speak for them.

Captain JOYCE. They took action at Louisville, sir, and I want to say they sent in 60,000 signatures.

Mr. DYER. Their recommendation ought to be very convincing to the committee.

Captain JOYCE. They adopted it unanimously at Louisville.

Captain BETTELHEIM. Mr. Chairman, I know the Members of Congress themselves, and especially the members of your committee, are interested in knowing of the sentiment. There is no argument about the measure. It is our anthem by the personal feeling of the people of the United States and these people feel that the time has come when it should be recognized by the Congress of the United States officially, on paper, by act, as the national anthem, and so we have endeavored, through the labors of Captain Joyce, to obtain their sentiment and the petitions here are by States, as far as they can be separated. They speak for themselves. In addition to that, these various organizations—2,000, I believe—listed here have indorsed it. That is what I believe you gentlemen are interested in—knowing the sentiment of the citizens of the country.

Yesterday at the women's patriotic conference in the D. A. R. Hall, an announcement was made by the chairman, Mrs. Hobart, president-general of the Daughters of the American Revolution, that representatives of those 40 organizations comprising the conference would be here to express their view, and I would like to list those organizations in the record.

Mr. DYER. You mean representing the Daughters of the American Revolution?

Captain BETTELHEIM. The entire group—The Daughters of the American Revolution, the American Gold Star Mothers, the American Legion Auxiliary—

Mr. DYER. There are 40 organizations?

Captain BETTELHEIM. Yes, sir.

Mr. DYER. And some one is here to speak for them?

Captain BETTELHEIM. Yes, sir.

(The list above referred to is as follows:)

*Organizations participating Women's Patriotic Conference on National Defense  
January 29, 30, and 31, 1930*

American Gold Star Mothers.

American Legion Auxiliary.

American War Mothers.

American Women's Legion.

Auxiliary to Sons of Union Veterans of Civil War.

Bergen County Women's Republican Club of New Jersey.

Colonial Daughters of the Seventeenth Century.

Daughters of the Colonial Wars (Inc.).

Daughters of the Defenders of the Republic, United States of America.

Daughters of the Union Veterans of the Civil War 1861-1865.

The Government Club (Inc.).

Ladies of the Grand Army of the Republic.

Ladies' Auxiliary, Veterans of Foreign Wars.

National American Veteran and Allied Patriotic Organizations.

National Auxiliary United States War Veterans.  
 National Patriotic Association.  
 National Society, Colonial Daughters of America.  
 National Society of Colonial Descendants of America.  
 National Society, Daughters of the American Colonists.  
 National Society, Daughters of the American Revolution.  
 National Society, Daughters of Founders and Patriots of America.  
 National Society, Dames of the Loyal Legion.  
 National Society, Daughters of the Revolution.  
 National Society, Daughters of the Union 1861-1865.  
 National Society of New England Women.  
 National Society, Patriotic Builders of America.  
 National Society, Patriotic Women of America.  
 National Society, United States Daughters of 1812.  
 National Society, Women Descendants of the Ancient and Honorable Artillery Company.  
 New York City Colony of New England Women.  
 Service Star Legion (Inc.).  
 Society of Sponsors of the United States Navy.  
 The Guadalupe Club of 1848.  
 The National Patriotic Council.  
 The National Women's Relief Corps.  
 The Security League of Westchester.  
 Women's Naval Service.  
 Women of the Army and Navy Legion of Valor.  
 Women's Overseas Service League.  
 Women's Constitutional League.

Captain BETTELHEIM (continuing). Now, Mr. Chairman and gentlemen of the committee, along the same line of thought of reducing lengthy testimony, we are going to ask these various representatives who have come from all parts of our country, at expense to themselves and through their patriotic interest in this measure, to simply rise and announce their name, their title, and whom they represent, and announce how their organization has acted. I will take pleasure in introducing Mrs. Samuel Z. Shope, president (national), National Society, United States Daughters of 1812, by virtue of her seniority in this campaign.

#### STATEMENT OF MRS. SAMUEL Z. SHOPE, PRESIDENT NATIONAL SOCIETY, UNITED STATES DAUGHTERS OF 1812

Mrs. SHOPE. Mr. Chairman and members of the Judiciary Committee, as president (national), of the National Society of the United States Daughters of 1812, I wish to say we are standing back of Mrs. Holloway and Mr. Linthicum 6,000 strong. Thank you. [Applause.]

Mr. DYER. Will you give your address, Mrs. Shope, so that the stenographer will have it?

Mrs. SHOPE. 2018 Chestnut Street, Philadelphia, Pa.

Captain BETTELHEIM. Mr. Chairman, I take a great deal of pleasure in introducing the State captain of the State of Maryland of the Daughters of 1812, in the person of Mrs. J. Charles Linthicum. [Applause.]

#### STATEMENT OF MRS. J. CHARLES LINTHICUM, STATE CAPTAIN OF THE STATE OF MARYLAND, DAUGHTERS OF 1812

Mrs. LINTHICUM. I have the honor to being the captain of the State of Maryland D. A. R. and I wish to say that every one of the societies of the Daughters of the American Revolution throughout



the State of Maryland are all heart and soul for this bill, and I have very lately seen Mrs. Holloway and she has been very ill and she said, if she only could live to know this bill had passed, she felt as though she could see her Creator with satisfaction.

I also have the extraordinary honor of having named Constitution Hall and it is going to be my extreme pleasure to present to Constitution Hall that glorious flag that carries with it the Star-Spangled Banner. This flag, which will hang from the ceiling of that great hall. [Applause.]

Mr. DYER. We are very glad to hear from you, Mrs. Linthicum.

Captain BETTELHEIM. Mr. Chairman, I take pleasure in introducing Mr. Steele, who is secretary-general of the Sons of the American Revolution of the United States.

#### **STATEMENT OF FRANK B. STEELE, SECRETARY-GENERAL OF THE SONS OF THE AMERICAN REVOLUTION OF THE UNITED STATES**

Mr. DYER. Give your name and address to the stenographer, please.

Mr. STEELE. Frank B. Steele, secretary-general of the Sons of the American Revolution of the United States, 1227 Sixteenth Street NW., Washington, D. C.

I will say I represent 25,000 Sons of the American Revolution and, while we are not anywhere near as many as our daughters, our sisters, and our cousins, we heartily indorse this joint resolution that is before you. Thank you. [Applause.]

Captain BETTELHEIM. Do you mean the bill or the resolution?

Mr. STEELE. The bill in Congress.

Captain BETTELHEIM. Mr. Chairman, the commander in chief of the Veterans of Foreign Wars was here but, unfortunately, business called him back to Lansing, Mich., before the courts open to-morrow, and so in his place Mr. Paul C. Wolman, senior vice commander in chief, of Baltimore, Md., will speak. (After a pause.) Apparently he has gone.

Mr. LINTHICUM. Mr. Wolman said he had to get back right away and did not know whether he would be able to stay or not.

#### **STATEMENT OF MRS. MARGARET J. BENNETT, 3313 WARD STREET, PITTSBURGH, PA.**

Mrs. BENNETT. I represent the national and all the patriotic women over the United States and the national president of the Women's Relief Corps, auxiliary to the Grand Army of the Republic, and we all unanimously indorse this bill 182,000 strong, as far north as Alaska. [Applause.]

Captain BETTELHEIM. Mrs. Haas, of the American War Mothers, I believe, will speak for them.

#### **STATEMENT OF MRS. CHARLES HAAS, 501 WEST ONE HUNDRED AND TENTH STREET, NEW YORK CITY**

Mrs. HAAS. Mr. Chairman and gentlemen of the committee, I represent an organization of the mothers of the men who served in the World War, known as the World War Mothers. We are 15,000

strong, scattered all over the Union, and the members are all vitally interested in this bill—so much so that they have secured many thousand signatures (I believe 60,000) to The Star-Spangled Banner petition.

A most vital reason for the adoption of The Star-Spangled Banner as our official anthem is that outside of the patriotic organizations represented, most of the Americans approached have been amazed to find that The Star-Spangled Banner has not really been adopted as our national anthem. We have been taught it in the schools; all the children love it, and of most of the Americans approached 95 per cent were in favor of having it adopted, and the 5 per cent that were not in favor were either unable to master the words or the music.

Every country of any prominence in the world has a national anthem, an officially adopted national anthem; and it would only be fitting that we should adopt The Star-Spangled Banner as our national anthem and settle forever this agitation that we scrap this battle anthem, written around the Flag of America and of the people for whom it stands. [Applause.]

Captain BETTELHEIM. The next speaker is Mrs. Duvall, of the Sons and Daughters of Liberty.

#### STATEMENT OF MRS. GOLA T. DUVAL, SONS AND DAUGHTERS OF LIBERTY, 1424 R STREET NW., WASHINGTON, D. C.

Mrs. DUVAL. Mr. Chairman and members of the Judiciary Committee, I represent the Sons and Daughters of Liberty. We are 140,000 strong and I bring to you the unanimous support of every one. I think you have a petition signed by 780 councils, all indorsing heartily this bill and we hope to live to the day that we will see it passed.

Mr. DYER. Will you give the stenographer your address, Mrs. Duval.

Mrs. DUVAL. Mrs. Gola T. Duval, 1424 R Street NW., Washington, D. C. I am representing our national council. I thank you. [Applause.]

Captain BETTELHEIM. I will next introduce Mrs. Bertrand L. Pettigrew, chairman of the national defense committee of the Daughters of the Union, and also representing the New Netherlands Chapter of the Daughters of the American Revolution.

#### STATEMENT OF MRS. BERTRAND L. PETTIGREW, CHAIRMAN OF THE NATIONAL DEFENSE COMMITTEE, DAUGHTERS OF THE UNION

Mrs. PETTIGREW. Mr. Chairman and members of the Judiciary Committee, I am representative of the New Netherlands Chapter, Daughters of the American Revolution, New York City, and also national chairman of the national defense committee, Daughters of the Union, representing a smaller organization of 600, but unanimously in favor of having the Star-Spangled Banner adopted as our national anthem, and also representing my chapter, the defense committee of the New Netherlands Chapter, New York City, unanimously in favor of this anthem. [Applause.]

Captain BETTELHEIM. Is a representative here of the Daughters of the American Revolution?

Mrs. PETTIGREW. I think there will be a resolution from this large convention just in session that has just been passed on this subject. I am a member of the committee and I know it has been passed.

Mrs. HAAS. Might I just say that, last year, at its conference, they put in a resolution which was passed by this national council.

Mr. DYER. I have no doubt about that, because I know the Missouri chapter has sent me a letter indorsing it and I feel quite sure it is a fact. If there is no objection, I will put that into the record. (The letter above referred to is as follows:)

MISSOURI STATE CHAPTER,  
AMERICAN WAR MOTHERS,  
January 28, 1930.

Hon. L. C. DYER,  
*House of Representatives, Washington, D. C.*

MY DEAR MR. DYER: I was very much pleased to receive information that the Star-Spangled Banner bill was to be heard next Friday, which I think gives a fine finish to the first month in the new year.

Trust you may meet many members of our organization at that time as I would like for them to know you. Missouri will have her representative there. I am inclosing a copy of my February News Letter showing you what Missouri War Mothers are trying to do. It is our custom to issue these letters monthly setting forth the important things of each month.

Again thanking you for all of your many kindnesses and assuring you of our sincere appreciation for all future considerations you may give our organization, I am,

Sincerely,

MARGARET N. MCCLURE, *State president*

#### STATEMENT OF MISS MAE HELM, DISTRICT LEGISLATIVE COMMITTEE, DAUGHTERS OF THE AMERICAN REVOLUTION

Miss HELM. Mr. Chairman and members of the Judiciary Committee, I represent the District legislative committee of the Daughters of the American Revolution, about 60 chapters in the District, and a membership of something like 3,000; also the national committee of the Daughters of the American Revolution, with a membership of something like a quarter of a million.

We are very vitally interested in the passage of this bill and, until a year ago, I was very much surprised to learn it had already been spoken on this floor that The Star-Spangled Banner was not our national anthem, and I have had occasion to inquire into national anthems of other nations and we are a little bit behind in that respect. So we want you to know that the Daughters of the American Revolution are behind this bill and want it passed, and they want it to have the favorable consideration of the committee and not to delay the matter any longer, but to pass it at this session. [Applause.]

Mr. DYER. The Chair has a memorandum here that Mrs. Frank Greenawalt, of the Daughters, is also here. Have you a statement to make, Mrs. Greenawalt?

#### STATEMENT OF MRS. FRANK FOSTER GREENAWALT, DAUGHTERS OF THE AMERICAN REVOLUTION

Mrs. GREENAWALT. My name is Mrs. Frank Foster Greenawalt, Daughters of the American Revolution, Regent of Brewster Chapter. I had the honor to introduce in 1911 a resolution in the Daughters

of the American Revolution to this effect, that The Star-Spangled Banner be acknowledged. It has been passed unanimously by every congress of the Daughters of the American Revolution that I can remember.

I hate to speak of myself, but I have been working for 29 years for this, and I am known in the District as the Key lady. Mr. Chairman and members of the committee, I feel that you have a sacred duty to perform and a sacred privilege, and that your names and the picture taken to-day will go down to posterity as the committee which had the honor to recommend to Congress the national anthem and to take official action.

Mr. Chairman, Mr. Linthicum covered the ground very fully, I think; but, to my mind, he left out one important official act of the Congress of the United States of America. I hold in my hand the Congressional Record and the bill which I worked very hard to have put through, namely, naming the Francis Scott Key Bridge, which passed unanimously. It was introduced by Mr. Hill, of Maryland, on the floor of Congress and passed unanimously, and in this bill there is the clause—

that it be named the Francis Scott Key Bridge as a memorial to Francis Scott Key, author of The Star-Spangled Banner.

So that you see the United States Congress has already gone on record officially as recognizing Francis Scott Key as the author of our national anthem, so that we feel very much encouraged as to the result of this committee's recommendation.

Mr. Chairman, we do not seem to have any objectors here to-day, but in the Washington Star, not very long ago, there was a letter written in which the words of the national anthem received a great deal of objection—that it was too pacifistic, and so forth. I had the honor to answer that letter and I hold here my answer. If it is your privilege, I would like to read it; it is very short. If not, I would like to have it incorporated in the record. It states what President Harding said in regard to Key and his immortal words when he spoke at the dedication of Fort McHenry. Therefore, if you have time, I would like to read it; if not, I would like to have it incorporated in the record.

Mr. DYER. Suppose you give it to the reporter and let him put it in the record.

Mrs. GREENAWALT. I thank you very much. [Applause.]

Mr. DYER. We are very glad to hear you, Mrs. Greenawalt.

(The article submitted for the record by Mrs. Greenawalt is as follows:)

TO THE EDITOR OF THE STAR:

Truly your correspondent, H. W. Ellis, in his letter printed in the Star of May 29, ventured in "where angels might fear to tread" in his pacifistic criticism of the sublime words of our national anthem—a poem which raised the poet-patriot, Francis Scott Key, in one inspired moment to a place among the immortals. I have heard the music of The Star-Spangled Banner criticized, but never before have I heard the words censured. President Harding said: "Key caught the inspiration of a vital moment and wrote that inspiration into one of the songs of the ages \* \* \* the author's patriotic service was an everlasting contribution to the soul uplift and exaltation of his countrymen who live after him \* \* \* to give ringing voice to such an inspiration was one of the greatest services which any man could do for the young Republic." Admiral Dewey said to me: "There will never be, there can never be, another national anthem,

the Army's and Navy's usage has sanctified forever the immortal words of The Star-Spangled Banner." This our famous hero said before the World War. In that conflict our national anthem was more deeply dyed in the sacrificial blood of the patriots, who were inspired by Key's stirring message "to do and die" for their own "loved country" and for humanity. And yet we have this pacifistic plagiarism in the suggested substitute for The Star-Spangled Banner sent to your paper by H. W. Ellis. Why does not your correspondent ask that France change the words of the Marseillaise as being "too warlike." It contains the words "to arms, to arms, ye brave." Let us analyze the words of our national anthem briefly. We find the expressed anxiety for a beloved country, joy for its victory in battle, thanksgiving to God for that victory, closing with a prayer for His aid in the future—

"Oh, thus be it ever when freeman shall stand  
Between their loved home and the war's desolation—  
Blest with victory and peace may the Heaven-rescued land  
Praise the pow'r that hath made and preserved us a Nation."

This sublime poem breathes the spirit of freedom from despotic power. It is a song of the freedom of land—of men—of souls—a song of individual liberty, of the rights of nations. It will endure. It is immortal.

MAUD L. GREENAWALT.

#### STATEMENT OF MRS. AMANDA SHAW HIRSCH, PRESIDENT GENERAL OF THE DAUGHTERS OF THE DEFENDERS OF THE REPUBLIC

Mrs. HIRSCH. My name is Mrs. Amanda Shaw Hirsch, president general of the Daughters of the Defenders of the Republic.

Mr. Chairman and gentlemen of the committee, the Daughters of the Defenders of the Republic represent the defenders of the Republic since it became a republic. Our organization is a new organization, not quite three years old, but we stand for the Star-Spangled Banner unanimously in our organization and everybody we meet we ask them to stand for this wonderful anthem and we have already printed it in our literature as the national anthem, because it is to us our national anthem.

We hope that you will pass this bill, because the people of this Nation want it. [Applause.]

Captain BETTELHEIM. The next speaker will be Mrs. Bessie Hanken, 42 Walnut Avenue, Revere, Mass., national president of the Auxiliary of the Veterans of Foreign Wars.

#### STATEMENT OF MRS. BESSIE HANKEN, NATIONAL PRESIDENT OF THE AUXILIARY OF THE VETERANS OF FOREIGN WARS

Mrs. HANKEN. Mr. Chairman and members of the Judiciary Committee, I represent over 50,000 widows, mothers, sisters, and daughters of men who served the colors on foreign shores, and our organization for over 30 years, at every national convention, has adopted a resolution for The Star-Spangled Banner to be our national anthem. [Applause.]

Captain BETTELHEIM. The next speaker will be Miss Grace Evelyn Bouldin, assistant chairman to Mrs. Holloway.

**STATEMENT OF MISS GRACE EVELYN BOULDIN, ASSISTANT CHAIRMAN TO MRS. REUBEN ROSS HOLLOWAY, BALTIMORE, MD.**

Miss BOULDIN. Mr. Chairman and members of the Judiciary Committee, I am from a little place and I did not bring very many notes over with me, nor all of the data, but we have had all of the society back of us for so many years that I did not think it was necessary. We have this first bill, of April 10, 1918; we have the second bill of April 19, 1921; we have the third bill, of January 30, 1924, from Mr. Linthicum, and an answer from Mrs. Holloway; we have the fourth bill, H. R. 195, of December 7, 1925; we have the fifth bill, No. 206, of April 15, 1927; and we have the sixth bill, of April 15, 1929, H. R. 14. Mr. Linthicum is going to give me the privilege of reading the following. This is a copy of The Star-Spangled Banner. This is the original of The Star-Spangled Banner written on the back of an old letter by my great-grandfather [exhibiting]. The owner of it is here to my right, Mr. Frank Sands. This is the manuscript that was written by Key.

Mr. LINTHICUM. This is the original written by Key himself [exhibiting].

Miss BOULDIN (reading):

When Mr. Key was released and returned to his home, he put in form the several parts which formed the song, and at night he and his brother-in-law revised the same and the next day took it to the American office and handed it to Mr. Thomas Murphy, one of the proprietors of the paper, who after the battle of North Point and return of the troops to Hampstead Hill before dismissal, obtained leave of absence to return to the city the open office. No paper was being published; all those connected with the office, except myself, being still in the Army. I was directed by my master to put the song in type, which order I would have readily done if it had been the old family ditty, "Nelly put the kettle on and Sally took it off again," as in all the course of my extended life I have endeavored to perform every duty with skillfulness and promptness which has been committed to me.

That is an extract from an article by Mr. Samuel Sands, written by him in September, 1887, and published in the Baltimore American, July 29, 1891, the day following the death of Mr. Sands.

The original manuscript of The Star-Spangled Banner which was on exhibition during the first week, having been removed by the owner, Mr. Henry Walters, of New York and Baltimore, the committee presents a photograph of the original manuscript, sent by Mr. Walters to Mr. Samuel Sands, son of Samuel Sands, who first put the national anthem into type, and distributed it throughout the city, in September, 1814. Mr. Sands was afterwards for 10 years, secretary, and for 2 years president of the Maryland Institute.

The photograph is loaned by Mr. Frank S. Sands, grandson of the above.

MARCH 10, 1913.

Mr. WM. B. SANDS,  
*Lake Roland, Md.*

MY DEAR MR. SANDS: I thank you very much for inclosing me a photograph of our old friend, Mr. Rinehart, which recalls many pleasant events of my childhood.

I remember also with great pleasure the days when, as editor of The American Farmer, with your father, you were interested in our Percheron horses.

I have only just had struck off a dozen copies of a photograph of the original manuscript of the Star-Spangled Banner, written on the back of an old letter. I take pleasure in sending you one of these photographs.

Yours very truly,

H. W. A.

I thank you.

Mr. LINTHICUM. Now I want to ask Doctor Haneock, president of the Society of 1812, to say a few words.

Mr. DYER. Will you permit me first—Mr. Celler, who is author of House Joint Resolution 47, wishes to be heard now, because he has to go to the floor.

**STATEMENT OF HON. EMANUEL CELLER, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF NEW YORK**

Mr. CELLER. Mr. Chairman and my colleagues of the Judiciary Committee, I have no pride of authorship in connection with the bills that have been introduced and, inasmuch as we all have a very abiding affection for our colleague, Mr. Linthicum, and, furthermore, since he comes from the district which is so celebrated because of the fort which was under attack when these immortal words were written, The Star-Spangled Banner, I defer to him and I shall be very pleased to withdraw my resolution in his behalf.

In connection with the resolution, you have heard from so many organizations and you have seen these petitions, it seems to me, indicative of the fact that there seems to be a national choice in The Star-Spangled Banner and, if we adopt any sort of resolution, all that you would be doing would be declaring the national wish. It would be sort of a declarative law, nothing more, nothing less, because there seems to be an irrevocable choice.

It is a century-old hymn which arises out of a very significant state of facts, as most hymns do, as most national anthems do. It is an inspired hymn; it is a vigorous hymn, and it is poetic. I think it was John Philip Sousa who, in an endeavor to define what a national anthem should be, said it must embody these three distinct qualities; it must be vigorous, inspiring, and poetic, and I am sure that you will find The Star-Spangled Banner all three.

Now we had up for discussion in one of our committee meetings a matter which cut clear across the advisability or inadvisability of this resolution. Recently we discussed the question whether or not we should adopt a resolution which would be punitive in its nature, where the flag would be desecrated by advertisements and otherwise, and despite a very able argument by one of our colleagues, the gentleman from Texas, Judge Sumners, the committee nevertheless adopted that resolution, and yet you thought that resolution was punitive and provided for a penalty. This resolution, which is somewhat analogous in character, provides for no penalty. Nobody is punished if he does not sing The Star-Spangled Banner; no harm can come from such a resolution, and I repeat it would simply be declaring the irrevocable choice of the people, declaring something for which there is already a general national sentiment.

Now some of the ladies have spoken about a precedent having been established in other countries. In a previous hearing which we had on this subject—and I am not going to take up much time of you gentlemen now—I presented to the committee something of the official recognition given to national anthems in other countries and I call your attention to the fact that in France, for example, the Marseillaise was adopted, so I am informed by the former ambassador, Mr. Jusserand, in the third year of the Republic. It was adopted by the official Legislative Chamber of France and duly signed by the ap-



propriate officers; so that stirring hymn is to-day, as it always has been in the Republic of France, the national anthem. That certainly is a sufficient precedent for us, if we feel that we need—and I think we do—recognition given to it by statute.

The ambassador from Italy informed me that the Royal March was the national anthem of Italy by virtue of the King's regulations. I am, furthermore, informed that in Japan they have a national anthem by official decree, called Kimigayo, and I shall give in the record a letter which I received from the Japanese Ambassador, as follows:

DECEMBER 27, 1923.

Hon. EMMANUEL CELLER,  
51 Chambers Street, New York City.

DEAR SIR: I am directed by the ambassador to acknowledge the receipt of your letter dated December 21, and in reply I wish to inform you that Kimigayo was authorized as the national anthem of Japan officially in 1890. The words are by an old anonymous poet. The poem is found in the Kokin-waka-shu, an old book of verse, compiled in 902-907 A. D. The music was composed by Hiromori Hayashi in 1879. The song was originally used by the Japanese Army and Navy as the national anthem. In 1890 the department of education issued a proclamation pertaining to the adoption of Kimigayo as the national anthem. Since then the song has been sung widely and generally on various occasions by the Japanese nation. Incidentally, I am sending you a copy of Kimigayo.

Hoping this information will serve you, I am,

Very truly yours,

S. TAKETOMI, *Secretary.*

The German Ambassador informs me that while Deutschland, Deutschland Uber Alles was given as the official national anthem of Germany, it was not by any legislative action, but the ambassador tells me that, nevertheless, in the various kingdoms of Germany, before the war, there was official recognition given to Deutschland, Deutschland Uber Alles as the national anthem of Germany.

In Poland, official status is given to the anthem, Poland Is Not Yet Lost.

In Czechoslovakia, because of the dual nature of the population, there are two national anthems, one sung by the Czechs and one sung by the Slavs, they being Kde Domov Muj, and Nad Tatrou So Blyska, respectively.

In England, God Save the King, which is usually accepted as the national anthem of Great Britain, is not such by any legislative enactment; it is, however, such by the King's regulations, which, in turn, are based upon parliamentary decree.

So I would say, Mr. Chairman, that we have ample precedent for legislative action in regard to national anthems.

Now, Mr. Linthicum, if you will permit me, I should like to direct your attention to the fact that in your resolution you provide these words, "Star-Spangled Banner with music by John Stafford Smith." I think you will find, if you will consult your history of the Star-Spangled Banner, that John Stafford Smith is not necessarily the musician who composed the music as we now have it to-day. You will, of course, find that John Stafford Smith was one of the many arrangers of an old folk-song that has been handed down for generations from England and then over to the colonies; similar music to that which we now know as The Star-Spangled Banner was used, for example, by Thomas Payne in his adapting music to the words of a poem that he wrote, called Adams and Liberty, which was considerably before John Stafford Smith. And then, in turn, we are told

(and the director of the music division of the Library of Congress so informs me), that originally it comes from an old English bar-room ballad called *To Anacreon in Heaven*. So I think it would be better if you would strike out the words "and music by John Stafford Smith," and then there would be no dispute whatsoever; because there have been numerous arrangements. John Philip Sousa, I believe, might also be called the arranger, with equal force, and I believe the band played the music by John Philip Sousa here, so I think those words ought to be stricken out.

With these few words, Mr. Chairman, I shall conclude my remarks. [Applause.]

Mr. DYER. From the statement of our colleague, Mr. Celler, I take it we at least have one upon this committee who is favorable to your bill. [Applause.]

Mr. LINTHICUM. I want to thank my colleague, Mr. Celler, for his courtesy in this matter and I want to say, further, that he and I have always worked together in harmony in bringing this about. As to the amendment he suggests, that is entirely up to the committee. If they think that should be stricken out, it is all right with me.

Mr. DYER. Now we will be glad to hear from you, Doctor.

#### STATEMENT OF DR. JAMES E. HANCOCK, PRESIDENT OF THE SOCIETY OF THE WAR OF 1812, IN MARYLAND

Doctor HANCOCK. My name is James E. Hancock, president of the Society of the War of 1812 in Maryland, and representing the National Society of the War of 1812.

Gentlemen, there is very little I can say regarding this bill, beyond the fact that persistently our several societies have indorsed it, have indorsed every proposition to have The Star-Spangled Banner made the national anthem. The proposition is so apparent to us that it has been selected by the public generally and regarded by them as national anthem, that it is merely a matter of legislation or legalization by you gentlemen, by which it shall be authoritatively regarded.

Some have attacked The Star-Spangled Banner as a hymn that is hard to sing. I remember when we were at camp, during the Spanish-American War, there was a pair of mocking birds nested in a live-oak tree right above our headquarters, and it was interesting to see how those birds picked up the air of The Star-Spangled Banner as it was played at retreat, and I am frank in telling you gentlemen and I am truthful in saying that, before the troops left for Cuba, those birds could almost sing that air. Now, if a bird in its imitation can do that, if it recognizes enough beauty in the air itself, it seems to me it would relieve any objection against the hardness of its being sung or the difficulty of singing it.

The Society of the War of 1812 feels as if this is one of its particular propositions and we hope that it will be within the wisdom and the kindness of you gentlemen to grant the measure. [Applause.]

Mr. DYER. We are very glad to hear you, Doctor.

Mr. LINTHICUM. Mr. Chairman, I want to introduce Mr. Key-Smith, the great-grandson of Francis Scott Key. [Applause.]

## STATEMENT OF FRANCIS S. KEY-SMITH

Mr. KEY-SMITH. Mr. Chairman and gentlemen, of course you expect me to advocate this bill. It would be very unnatural in me if I did not. In appearing before you, then, I, of all, should have reason as well as sentiment to give you. I do not believe there can be a greater reason than that the 90 per cent of the American citizens, who have for over 100 years by acclaim and proclaim and adoption, made The Star-Spangled Banner the national anthem of the United States, should be protected in their desire and that the 10 per cent who may be against it for any reason (the music, principally, I understand), should be restrained from interfering with the will of the large majority. [Applause.] That is fundamental in the United States and that is all this bill asks of Congress—that what the President, by proclamation, has done, what the American people have done for over 115 years, Congress give its official sanction to and for once and for all time close the mouths of criticism against the grandest anthem which was ever written, which any nation may ever pay tribute to. [Applause.]

Now this bill has been introduced into Congress many times and each time Congress has passed it up. It has not in one iota reflected upon The Star-Spangled Banner as this assemblage here to-day and this petition prove: it has only strengthened The Star-Spangled Banner in the will of the people. Has Congress, the representative of the people, the right, gentlemen, longer to refuse to carry out the will of the American people? [Applause.]

One other word, and then I will stop. What about the national anthem, and I call it so advisedly, because it has been that, having for 100 years commanded such respect and such adoration and allegiance in the hearts of the American people. It is not a war-like measure, neither does it repudiate war. It is a tribute to the glorious sacrifice, to the patriotic devotion which made possible the great victory of American arms that gave it birth. [Applause.] It is sanctified, gentlemen, in the blood of martyrs and its words breathe American independence and freedom as no other poem that has ever been written breathes and, furthermore, it says this, that when freeman shall stand in a just cause between their loved home and the war's desolation, with their trust placed in Divine Providence, the Stars and Stripes will forever wave over that land which it characterizes, which the Star-Spangled Banner characterizes, as the land of the free and the home of the brave. [Applause.]

Captain BETTELHEIM. Now I will introduce Mrs. Robert A. Welsh, State regent, Daughters of the American Revolution, Millersville, Md.

STATEMENT OF MRS. ROBERT A. WELSH, MILLERSVILLE, MD.,  
STATE REGENT OF THE DAUGHTERS OF THE AMERICAN REVOLUTION OF MARYLAND

Mrs. WELSH. Mr. Chairman and members of the Judiciary Committee, I have the honor to represent 1,500 members in Maryland of the Daughters of the American Revolution, who, year after year, have indorsed this bill and resolution by Mr. Linthicum unanimously at their State conferences, and we come to-day begging you,

Chairman and the impressive members of your Judiciary Committee, that you will make it the great desire of your hearts and minds that never again can such a sight be beheld that we come pleading to you that the American people be given a national anthem and that anthem the Star-Spangled Banner. [Applause.]

Captain BETTELHEIM. The next is Mrs. Frank Onion, of the National Society of the Daughters of the American Revolution. Will you give your full name, Mrs. Onion?

**STATEMENT OF MRS. FRANK ONION, REPRESENTING THE NATIONAL SOCIETY, DAUGHTERS OF THE REVOLUTION, 1218 CALVERT STREET, BALTIMORE, MD.**

Mrs. ONION. Mrs. Frank Onion, 1218 Calvert Street, Baltimore, Md. I represent the National Society, Daughters of the Revolution, and I want to say that we have stood back of Congressman Linthicum from the first bill that he ever presented. We have indorsed and in every way stood back of Mrs. Holloway; we have stood hand in hand. And I want to say that we really want The Star-Spangled Banner to be made the national anthem and we do not want to tarry any more about it. [Applause.]

Captain BETTELHEIM. The next is Mr. C. H. Paul, national legislative committee of the Patriotic Order, Sons of America.

**STATEMENT OF C. H. PAUL, NATIONAL LEGISLATIVE COMMITTEE OF THE PATRIOTIC ORDER, SONS OF AMERICA**

Mr. PAUL. Mr. Chairman and members of the Judiciary Committee, my name is C. H. Paul, 614 Fourteenth Street, Altoona, Pa. I am chairman of the national legislative committee of the Patriotic Order, Sons of America; 166,000 wish to indorse this bill, as well as the resolution 100 per cent. I thank you. [Applause.]

Captain BETTELHEIM. The next is Mrs. C. V. Parkhurst, representing the national organization, American Legion Auxiliary.

**STATEMENT OF MRS. C. V. PARKHURST, REPRESENTING THE NATIONAL ORGANIZATION, AMERICAN LEGION AUXILIARY**

Mr. PARKHURST. Mr. Chairman and members of this committee, I speak for the 400,000 members of one of the newest patriotic organizations, but one of the strongest. We are very strongly in favor of this being officially recognized as the national anthem. [Applause.]

Mr. DYER. What is your organization?

Mrs. PARKHURST. American Legion Auxiliary.

Mr. LINTHICUM. Won't you give your address?

Mrs. PARKHURST. Canastota, New York.

Mr. DYER. Then your organization officially indorses this legislation?

Mrs. PARKHURST. Yes; Mr. Chairman.

Captain BETTELHEIM. The next is Miss Cornelia B. Smith, Founders and Patriots of America. Will you give your address, Miss Smith?

**STATEMENT OF MISS CORNELIA B. SMITH, FOUNDERS AND PATRIOTS OF AMERICA, LITCHFIELD, CONN.**

Miss SMITH. My address is Litchfield, Conn. Mr. Chairman and members of the Committee on the Judiciary, and patriotic friends, I represent the Founders and Patriots of America. Not knowing that we were to tell how many thousand we represent, I can not say; but we will say many thousands of the Founders and Patriots of America cordially indorse this bill and resolution, which we have worked for for a great many years. Thank you. [Applause.]

Captain BETTELHEIM. Now Mrs Sadye Linkletter, representing the Daughters of America and other organizations.

**STATEMENT OF MRS. SADYE LINKLETTER, REPRESENTING THE DAUGHTERS OF AMERICA**

Mrs. LINKLETTER. My name is Mrs. Sadye Linkletter, 21 Monticello Avenue, Jersey City, N. J., chair lady of the national legislative committee of the Daughters of America.

Mr. Chairman and members of the Judiciary Committee, the national council of the Daughters of America assembled at Savannah, Ga., October, 1928, sanctioned this resolution and bill for the adoption if The Star-Spangled Banner as the national anthem. It was adopted unanimously and sent out to the different States of our Union and there was unanimously adopted, after which petitions by the thousands were sent forth and we have them here in this pile with the rest.

We are one hundred and sixty-odd thousand strong in these United States, working for this item and, in closing, I just want to say that our reason for being back of this bill is because we love the Stars and Stripes, the emblem of our fate, and we love every word of the Star-Spangled Banner, and consequently we appeal to you for this resolution and bill. [Applause.]

Captain BETTELHEIM. The next speaker is Mrs. D. F. Potter, of the New England Women.

**STATEMENT OF MRS. D. F. POTTER, 484 AUBURN AVENUE, BUFFALO, N. Y., REPRESENTING THE PRESIDENT-GENERAL OF THE NEW ENGLAND WOMEN**

Mrs. POTTER. My name is Mrs. D. F. Potter, 484 Auburn Avenue, Buffalo, N. Y. I am representing Mrs. Barnes, the president-general of the New England Women, being second vice president-general myself and in charge of all of the colonies in the United States.

I represent 51 colonies from California to Florida and our national board have indorsed this resolution. Yesterday the president-general asked me if I would represent the organization here this morning. A woman whom I did not know turned to me and said, "What a privilege for every one of those men on this Judiciary Committee to be able to consider such a resolution, or bill," and I am sure that the children and grandchildren and great-grandchildren will be able to say of these men that their forbears passed this bill. [Applause.]

Captain BETTELHEIM. Now Mr. James Van Zandt, of the Veterans of Foreign Wars, Altoona, Pa., department commander.

**STATEMENT OF JAMES VAN ZANDT, ALTOONA, PA., DEPARTMENT COMMANDER OF PENNSYLVANIA, VETERANS OF FOREIGN WARS**

Mr. VAN ZANDT. Mr. Chairman and members of the committee, it is my privilege and honor to appear before you to-day to bring to you the indorsement of 390,000 service men in the State of Pennsylvania. We have a joint legislative committee representing every veteran organization and numerous regimental organizations, and it has been our privilege to indorse this and having done our duty, to carry the flag, the Stars and Stripes, to every corner of this world, we feel it is the duty of you gentlemen to pass this resolution or bill and make The Star-Spangled Banner our national song. [Applause.]

Captain BETTELHEIM. Mr. Chairman, this is the last of those who have forwarded their names to me; but, if there are any present representing other organizations, I would suggest that they rise in their places and give their names and state what organization they represent.

**STATEMENT OF JOE H. HART, PRESIDENT AND FOUNDER OF THE ALLENTOWN FLAG DAY ASSOCIATION CORPORATION**

Mr. HART. Mr. Chairman, I take pleasure in coming before you to say—

Mr. DYER. Whom do you represent?

Mr. HART. I represent the Allentown Flag Day Association, the Elks, the Allentown band, and a number of other organizations in our vicinity. I have petitions and indorsements from upward of 2,000,000. I have labored for 16 years in upholding what I believe should be our national anthem, The Star-Spangled Banner, and I hope you gentlemen will see fit to give us what we are all asking for. [Applause.]

**FURTHER STATEMENT OF MRS. N. L. DASHIELL**

Mrs. DASHIELL. I would like to speak as president of the State of Maryland Daughters of 1812. Inasmuch as Francis Scott Key was born a Marylander and wrote the anthem on the soil of Maryland, or, rather, in a boat which was right off of Fort McHenry, we feel that everything centers about Francis Scott Key in Maryland. The night after the Star-Spangled Banner was printed and distributed on the streets, the actors in the Holiday Street Theater sang the song and it was the singing of this song on the streets of Baltimore which brought the demand of the citizens to rally and meet the British at Sparrows Point, where the decisive battle was fought in 1814, and we, as Marylanders, feel that Maryland owns Francis Scott Key.

**STATEMENT OF JAMES W. LYONS, MEMBER OF THE NATIONAL LEGISLATIVE COMMITTEE, SONS OF THE UNION, VETERANS OF THE CIVIL WAR, 917 EIGHTEENTH STREET NW., WASHINGTON, D. C.**

Mr. LYONS. I desire to state to you that at our last national convention we passed unanimously a resolution in support of this measure and asking that it be adopted.

**STATEMENT OF MRS. JAMES M. LOONEY, REPRESENTING THE  
FEDERATION OF REPUBLICAN WOMEN OF MARYLAND, CABIN  
JOHN, MD.**

Mrs. LOONEY. I represent the Federation of Republican Women of Maryland, 700 strong. We wish to indorse this bill and resolution.

**STATEMENT OF MRS. JAMES F. RUSSELL, 2735 ST. PAUL STREET,  
BALTIMORE, MD.**

Mrs. RUSSELL. My name is Mrs. James F. Russell, 2735 St. Paul Street, Baltimore, Md.

Mr. DYER. Who do you represent, Mrs. Russell?

Mrs. RUSSELL. The Daughters of the Revolution of the State of Maryland.

Mr. DYER. They are unanimously for it, are they not?

Mrs. RUSSELL. Yes, unanimously.

Mr. DYER. We are very glad to have your statement.

**STATEMENT OF MARGARET H. WORRELL, REPRESENTING THE  
WHEEL PROGRESS, 515 WASHINGTON HOTEL, WASHINGTON,  
D. C.**

Mrs. WORRELL. My name is Mrs. Margaret H. Worrell, 515 Washington Hotel. I represent the Wheel Progress, which is a young organization about 500 strong.

Mr. DYER. Where are they located?

Mrs. WORRELL. Their headquarters are at the Washington Hotel.

Mr. DYER. Your organization is in favor of this legislation?

Mrs. WORRELL. Yes; our organization is very much in favor of this being adopted as the national anthem. We are a patriotic, educational organization.

Mr. DYER. We are very glad to have your statement.

Mr. LINTHICUM. Mr. Chairman, we thank you most heartily for the attention and time you have given us in letting us go into this matter very fully. I won't take up any more of your time, but I would like to ask leave to file such other indorsements as we may have from organizations and Governors of other States, and perhaps from Members of Congress who want to indorse it, and such data as Captain Joyce might want to put into the hearing.

Mr. DYER. We will be very glad to have you submit them to the clerk, and the committee will determine whether to print them.

Mr. LINTHICUM. We will see that they are not too long. We certainly are very pleased indeed for the splendid hearing. I see my good friend, Mr. LaGuardia, on my left. He was telling me a little story yesterday about his father. His father, he said, some 40 years ago, had been trying to get up some national anthem and that they had been trying it ever since, but this was the only one that the people would ever adhere to. [Applause.]

Mr. DYER. That gives us two votes on the committee, at least. [Laughter.]

Mr. LINTHICUM. I think we can safely count on them.



Mr. DYER. There are some photographers here who desire to take a picture of Mr. Linthicum especially and those who have been kind enough to come and give the committee their desires.

(The subcommittee thereupon adjourned until tomorrow, Saturday, February 1, 1930, at 10 o'clock, a. m.)

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HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF COMMITTEE ON THE JUDICIARY,  
*Saturday, February 1, 1930.*

The subcommittee met at 10 o'clock a. m., Hon. Leonidas C. Dyer (chairman) presiding.

Mr. DYER. The committee yesterday heard those who support the legislation. Miss Cheatham, of New York, was here and wanted to be heard, but she did not have time; so, in order to convenience her, I have called the committee this morning for the purpose of hearing Miss Cheatham. We are very glad to hear you, Miss Cheatham.

**STATEMENT OF MISS KITTY CHEATHAM, 118 FIFTY-SEVENTH STREET, NEW YORK CITY**

Miss CHEATHAM. Mr. Chairman and members of the committee, this telegram from your chairman, Mr. Graham, was sent to me last Saturday:

Full public hearing is to be granted and can assure you that committee will hear you on Star-Spangled Banner on the 31st.

That is why I came to Washington. Although this procedure of your coming here to-day is entirely legitimate, it is unusual and I am very grateful to you.

Listening yesterday to the petition which was given to you, I felt that it was unconstitutional and I wanted just to read to you a portion of a letter that I sent to President Coolidge in 1927, when this same issue had come up, as you know it has before. But, first, I think I had better say to you that I represent no organization of any kind; that I speak entirely upon my own conviction, which is a conviction based upon many years of very careful and consecrated thought upon this subject.

It is extremely unpleasant for me to have to mention my family background, but I think at this moment it may be essential to do so, so that my patriotism can not be questioned. My father happened to have been the mayor of Nashville, Tenn., and he surrendered the city to General Buell during the Civil War and under conditions whereby he took no lives in his hands; there was no bloodshed, but he did have the honor that his father was Representative in Congress from Tennessee; his grandfather was with Andrew Jackson at the Battle of New Orleans and, as you know, my name to-day bears a very honored place in both the Army and the Navy. I may say that my relations in the Army and Navy do not know I am here; I am entirely following my own convictions. My grandmother happened to be related to George Washington, the first President of the Nation, and my pioneer ancestry you will find in the width and length of Maryland, Virginia, and North Carolina, and they were the pioneers.

who helped formulate the laws and the constitution of Tennessee, my native State. But yesterday I felt as if it were 100 years ago, when Mr. Webster made that great speech with Hayne, when the Constitution was threatened with destruction and nullification became an issue and Daniel Webster, his friend, spoke to him and said "this is a critical time in our history; it is time our people understood our country and our Constitution." And Mr. Webster said, "Before the sun goes down to-day, I shall make them understand the Constitution of the United States as I see it." So, in reading the petition here of this very earnest and admirable gentleman who presented it, I feel it is entirely unconstitutional and, as I told you, in 1927, I wrote to President Coolidge:

But to-day there comes to me from the Tennessee mountains, from the young Republican legislator, Harry Burn (whose forty-ninth vote, in 1920, through ratification by Tennessee, brought about the nineteenth amendment)—from Harry Burn comes a copy of the Washington United States Daily of August 12, in which, under the caption, National Anthem has Approval of Military—Official Approval of Star-Spangled Banner recalled by Jarvis Butler (made official in 1916), I find the reference is to what the paper designates as "the existing Army and Navy order making the song the official hymn of the United States."

My dear Mr. President, knowing and revering your punctilious respect for legal exactitude, may I ask, by what authority do the Army and Navy impose any hymn upon the people of the United States, and especially one containing sentiments antagonistic and obnoxious to the majority of the people, as evidenced daily by the unusual number of protests appearing in the press in increasing volume?

As I read the Constitution of the United States (see Art. II), I find that constitutionally the President is commander in chief of the United States Army and Navy. He is empowered to commission all officers, and issue general orders and regulations, or approve such relations when made by his appointees, acting as commission, or boards. Such a committee, known as the Joint Board of the Army and Navy, in 1916 formulated an order, designating The Star-Spangled Banner as the official hymn of the United States. This order was transmitted as a recommendation for the approval or disapproval of President Wilson, on July 19, 1916, and was by him approved August 23, of the same year.

This designation thereupon became an order of the commander in chief, receiving its sanction and authority from the Constitution, to which all officers and enlisted men of our armed forces are menable. But the authority of this order extends no further. There is no constitutional power conferred upon the President to compel American citizens, not enlisted in the United States Army or Navy, to do obeisance to any official (or unofficial) hymn of the Army and Navy. No such Army and Navy regulation or order can abridge the rights of American citizens to approve or disapprove the official hymn of the Army and Navy; nor could it affect the constitutional prohibition, forbidding Congress to make laws respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government (i. e., the executive, the legislative, or the judicial departments thereof) for redress of grievances.

Now, the order approved by President Wilson on August 23, 1916, in respect of The Star-Spangled Banner, has authority and force within the jurisdiction of the Army and Navy, as stated, but not otherwise; its authority extends no further, and endures only so long as said order is not abrogated or superseded by another order of equally constitutional validity, but no longer. If the present commander in chief sees fit to rescind, alter, or amend this order, that is his prerogative to do. He may disannul the order in toto, without consulting anyone; or he may considerably address a recommendation to the existing Joint Board of the Army and Navy, that it be modified or suspended. His action is authoritative and final, whatever he chooses to do about it. No committee, commission, or board, composed of presidential appointees, can oppose the will of the Executive in this matter; for it is self-evident that the President can reconstitute such board, commission, or committee, if they prove recalcitrant to his wishes.

I may say to you gentlemen that this is the appeal that I make to you to-day. I also think I had better say that 14 members of my family fought in this last war, and I will say to you that this is the result of 12 years of earnest effort on my part, based, as I tell you, upon very deep conviction, and it is not a new issue. In 1918, I came to Washington and Mr. Claxton, who was at that time commissioner of education, felt the import of my work and opened the new room in the Department of the Interior that I might show some very interesting historical films and illustrate a very beautiful national anthem that I thought had a very interesting place, not as our national anthem, but as an anthem which was conceived and brought forth under very spiritual conditions and which illustrates the history of this Nation. At that time, Doctor Claxton, whom, as I say, was commissioner of education in the Department of the Interior, wrote to the members of the Bureau of Education:

At the invitation of the commissioner, Miss Kitty Cheatham will give pictorial illustrations of the national anthem, *Our America*, in the auditorium of the New Interior Building at 4.35 p. m., to-day. The artistic beauty and the educational value of these films can not be overestimated, as the seven verses of the anthem relate the history of America.

Writing to Mr. Elliott Woods, Superintendent of the Capitol, on June 24, 1929, Doctor Claxton said:

MY DEAR MR. WOODS: The program which Miss Kitty Cheatham, whom this note will introduce to you, gives is interesting and attractive. She will tell you in detail about it.

Any courtesy you may show Miss Cheatham I shall greatly appreciate.

Yours sincerely,

P. P. CLAXTON.

Colonel Joyce yesterday, I think, mentioned that the Nation was here in a unit as to this issue. I am sure he did not wish to make a false statement, because I believe absolutely in his earnestness and consecration, but I want an accurate statement. Here is a special article which came out recently, very accurate, taken from the New York Telegram of July 2, 1929. It is headed *Most National Anthems are Hymns of Hate*, and it is written by Negley D. Cochran. I shall read excerpts from this special article:

Evidently the people everywhere in the civilized world have their thoughts on peace. They don't want any more war. Even the diplomats have been getting their heads together in international conferences to denounce war and work for disarmament. So it may be that the time is ripe to revise some of our national anthems.

Most of them breathe the spirit of war and defiance. Some of them were written at times that tried men's souls and when the words really expressed national fear and aspiration. But times have changed, and so has the spirit of man as he has slowly risen from savagery and barbarism.

While *The Star-Spangled Banner* has never been officially made the national anthem of the United States it is generally accepted as such. Probably many people sing it as they sing familiar church hymns; that is, with little thought of the significance of the words.

Written under a spell of inspiration during the War of 1812, it admirably expressed the spirit of the day. But we are not at war with Great Britain. No orders in council disturb anybody in this country. British soldiers are not burning the White House and the National Capitol. British and Indians are not ravishing our frontiers. On the contrary, there is talk of the new British Premier visiting this country and being welcomed cordially by the President of the United States.

Suppose we were to have some national gathering during his presence in Washington and thousands of school children sang about the rocket's red glare and bombs bursting in air and in grand chorus expressed this sentiment:

And where is that band who so vauntingly swore  
That the havoc of war and the battle's confusion  
A home and country should leave us no more?  
Their blood has washed out their foul footsteps' pollution.  
No refuge could save the hireling and slave  
From the terror of flight or the gloom of the grave.

And then he ends this special article in this way:

Isn't it possible for this country to have a national anthem that will breathe the spirit of peace, that will inspire love of country and a pure patriotism that is neither defiant nor boastful—and that will be good for all time to come?

If we don't want war, why sing about it?

Now I will just read two excerpts from an article which came out in the New York World on the 20th of January, 1930, headed The National Anthem. In speaking of it in terms of affection, they say:

Yet, despite our genuine enthusiasm for it, we are opposed to the movement that has been started by the Veterans of Foreign Wars, who have obtained 5,000,000 names to a petition which will be presented to Congress in support of a bill to make it official by law. In the first place, there is something supererogatory about such a law. The anthem is already as official as it need be; it is accepted unanimously by the American people, and it is official in our military organizations by order of our military departments. In the second place, passing a law about it now places an undesirable binder on future generations. It may be forgotten now, but The Star-Spangled Banner is not the first anthem that our country has had. It was not composed until 1814, when the new Republic was already 25 years old; in that 25 years there had been frequently the need for something in the way of a national anthem, and the need had been supplied by a tune called Yankee Doodle. That was the tune the American bands played at the first big ceremony in which they took part, which was the surrender of Cornwallis at Yorktown.

Well, suppose that in the patriotic fervor of the early 1790's Congress had passed a law making Yankee Doodle the official hymn of the American Nation. It is a question whether we of this day should like it so well. With its war associations, it no doubt seemed very fine then, but it seems a little clownish now. Yet it would be most difficult to get rid of the law, for every move at repeal would be construed as an unpatriotic act. Similar with The Star-Spangled Banner. It sounds very fine now, but how it will sound a hundred years from now is a question. Perhaps our citizens in the year 2030 will prefer something else. And they should be free, it seems to us, to make their choice.

And here is an editorial which appeared on the 25th day of January in the Washington Post. I shall just read one excerpt:

It is absurd to suppose that an act of Congress could preserve The Star-Spangled Banner if the people no longer recognized it as an inspiration to patriotism.

Here is an excerpt from an editorial in the New York Tribune on July 4, 1922. I may say to you gentlemen I have hundreds of these things, but you have no time to listen, and it is not proper that I should present them to you, but this says:

The music, we are told, is poor and unoriginal—is a steal of "To Anacreon in Heaven," a bar-room ballad composed for use at the drinking bouts of the Anacreontic Society. Not only is the tune in contempt of the Volstead Act but few can sing it, and those who rise in its honor look sheepish when they try. Not only is the music inappropriate and the meter clumsy and halting, but the thought is pompous and childishly braggart.

But these things, many of them true, may be passed by. It is not wise to trace the genealogy of any of the national anthems.

I do not agree with that. I think, gentlemen, that the time has come when, as Americans, we can not afford to say we do not

to trace the genealogy of anything that concerns this great Nation. It all seems to have to do, when you go back to that great picture of the framing of this Constitution, with the first great American, Benjamin Franklin, who for 50 years had had a most intimate observation of European systems of government in which we are seemingly much involved in many ways to-day. Franklin came back from England at the time of the confusion of our infant Republic and said—Franklin, who was not supposed to be religious—"Gentlemen, we are in political darkness. We have been searching for three weeks in political darkness. If we do not turn to the Father of Light whose sparrow can not fall without His notice, how can we expect the Lord of all the Hosts to see that we labor not in vain who build it; it is no better than the Tower of Babel." And when my revered ancestor arose and said: "Let us raise a standard to which the wise and honest can repair. The event is in the hands of God."

I have much more here that I could read to you, but there is just one thing and then I want to go to my theme and that is not very long, and that is something that happened in connection with President Roosevelt and it happened on this very day, the 1st day of February. Capt. Archie Butt recorded this in his letters. Captain Butt's letters, appearing on January 23, 24, 25, and February 1—I am sorry I do not remember the year—we find the subject dwelt upon at length. The President (President Roosevelt) loved Julia Ward Howe's noble Battle Hymn of the Republic. So did Captain Butt, who writes to his mother that—

It has always been a hope with me that it might supplant all the other non-descript national anthems which we now have. As I said this, the President's face lighted up and he said, "I am delighted to hear you say that, especially as you come from the South. For, as you say, there is not a sectional line in the whole hymn. \* \* \* That hymn ought to be our national hymn, but how can we bring it about? \* \* \* Archie, I am glad you know that hymn."

Then Captain Butt says:

It was the first time he had called me anything but Captain Butt, and I felt that I had touched some hidden spring in him. \* \* \* I have it. \* \* \* I will write to Joel Chandler Harris (Uncle Remus) and get him to start the movement in the Atlanta Constitution, and then I will write to others in the West. \* \* \* The movement must come from the South, and it had better come from some one not connected with politics at all.

Gentlemen, I am not a politician, as I told you; I have no political creed. I have my convictions and I have no affiliations with any organization of any kind. But I must say that during this last war I felt I could help most by going to our young soldiers. I remember one time at Quantico, when I went down with 3,000 of those boys and sang to them and gave to them two things that lifted them, that took their thoughts away from bombs bursting in air, and foul footsteps' pollution, and rockets red glare. When they wanted to, they could sing it; every man could sing it that wanted to, but that is what I felt was my peculiar mission, and I shall never forget one day in Central Park when no less than 2,000 people heard us sing the Hallelujah chorus. You can not tell what attitude that will create. However, after all, there is one great ruling power to which we must go.

Mr. DYER. Now, Miss Cheatham, may I ask you a question?

Miss CHEATHAM. Certainly.

Mr. DYER. You talk of the World War and the soldiers: This committee has been assured by the mothers, the World War mothers, that they are, all of them, unitedly in favor of this bill. Do you not think they are entitled to consideration?

Miss CHEATHAM. Absolutely. I have the utmost respect and love for those great women, some of them; I must tell you that. My best friend to-day is a war mother.

Mr. DYER. What is it you object to about the national anthem? Is it the words?

Miss CHEATHAM. What do you mean? It is not the national anthem, Mr. Chairman.

Mr. DYER. We speak of it as the national anthem; I think it is considered as the national anthem.

Miss CHEATHAM. Oh, "it is considered," but, constitutionally, it is not the national anthem.

Mr. DYER. What is it you object to in the so-called national anthem that we are considering?

Miss CHEATHAM. This is what I object to: I object to the animous; I object to the origin; I object to the history of the song, in the first place. May I tell you, very briefly the entire history of the song. In 1775, between the years 1770 and 1775, when Washington was fighting to make us a Nation with that little starving band of colonists, there was a society of—what shall we call them—Bohemian revelers, Britishers, who proposed to start an Anacreontic Society that was to pay tribute to the Greek poet Anacreon. I need hardly tell you that Anacreon's claim to fame was that he wrote of wine and women and the Greeks pay tribute to the statue raised to him in the Acropolis at Athens in the state of a drunken soldier.

Mr. DYER. You do not object to the words?

Miss CHEATHAM. Oh, yes; that is a matter to which I most seriously object—the words.

Mr. DYER. Why?

Miss CHEATHAM. Mr. Chairman, I have had very intimate and close contact with little children for many years. My work through many phases has put me in close contact with them. I do think it is a shameful thing, it is un-American, it is un-Christian, it is illogical, it is unthinking particularly at this moment when we are having a peace conference abroad and peace is being talked about in the world, to plant in the virgin soil of the consciences of little children such sentiment as bombs bursting in air, rockets' red glare, the foul footsteps' pollution, the foes horrid hosts, the gloom of the grave, and that that is barbarous. We are having strange experiences with our little children to-day; they are being seized with desires and doing things which are unprecedented, and they are the citizens of our future, and they are doing things which have never been preceded in the history of the world.

I think we owe them a tremendous stewardship, those who are mothers, those who are teachers—any of us who teach them. They are very keen mentally, I assure you. A little girl said to me the other day, a little girl of 8, "What is foul pollution?" What would you have answered her? She had been taught the words of The Star-Spangled Banner. What would you have answered her? May I vary your procedure, and answer you; is that permissible? You see, 2,000 years ago, a great lawyer announced what I am tryin-

say to you—he said, "The carnal mind is death; the spiritual mind is life." Now we are certainly the Nation to hold up the torch of light to a starving world and we want to usher in that great millennium time which has been foreseen for centuries, when the lion can lie down with the lamb and a little child can lead them. This song of The Star-Spangled Banner is certainly retarding it and is not doing anything to usher in the days of "Peace on earth, good will toward men," to which the whole world is assembled, trying to direct their efforts. Now, does that carry any logic to you?

Mr. DYER. That is a matter for you to say, Miss Cheatham.

Miss CHEATHAM. Of course, I am not asking for anything, except to be heard for my own convictions.

Mr. DYER. Well, we are very glad to hear you.

Miss CHEATHAM. I will not detain you much longer; I will close, but that is what I feel so strongly, that I appeal for the children of this Nation. May I tell you that in England, some years ago, and France, some 7,000 little English school children came over to France and they were all greeted by the Marseillaise, and those little children were singing to them these words—I think I have it right here in my book. They were singing:

Hateful tyrants, mischief breeding,  
With hirelings hosts, a ruffian band.

\* \* \* \*

Their blood-stained banners rear.

\* \* \* \*

The vile, insatiate despots bare.

To arms! Your avenging sword unsheathe.

Then I say, Is England aided in her struggle for divine democracy, while her people continue to sing?—

The nations, not so blessed as thee,  
Must in their turn to tyrants fall,  
While thou shalt flourish, great and free,  
The dread and envy of them all.

Now all national anthems, ultimately, will have to be changed. According to the law of spiritual unfoldment, I do not believe our national anthem has yet been written. I do not come here to offer anything to you; but I believe, as we have further experience in developing our own spiritual mentality, that our anthem will come forth at the right time and that it will be a guiding light to the whole world. That is America's destiny; that is her mission. She was founded upon spiritual ideals and she can only continue to exist by the continuance and the upholding of those ideals.

With the deepest respect in my heart and, as Mr. Lincoln said, "With malice towards none, and charity towards all," with affection for every one who expressed their sentiments here yesterday (because they have a right, as American citizens, to say what they feel), I still argue that it is illogical and un-American to say that The Star-Spangled Banner could ever be the national anthem of America, because it does not represent America. We are living in a new era and we must recognize this fact.

Now I am afraid I have taken up a good deal of your time and I thank you so much for your courtesy in listening to me, and this is the last thing I will say: If you have not children of your own, perhaps you have grandchildren, and I will just tell you what a little



boy I met the other day said to me. His little features were distorted and he turned around and looked like this [demonstrating], and I said, "Well, well, darling, you are a very good boy to-day, I am sure." He said, "I have a pistol in my trunk." I said, "You would not shoot me, would you?" He said, "I can't get at it." He was about 4½. I do not believe that the words of The Star-Spangled Banner will aid in the development of that child, who is one of our future citizens. Now it is primarily those children for whom I am making my appeal to-day and I think there is no more for me to say and I thank you from the bottom of me heart for your courtesy and your kindness in being so patient in listening for such a long time. The cause is great, or I should not have asked this privilege.

MR. DYER. Are there any questions? If not, we thank you very much.

MISS CHEATHAM. I thank you very much.

MR. DYER. Now I have a letter from Mr. Burtness inclosing a statement from a constituent with reference to the legislation under consideration. Mr. Burtness asks that the letter from his constituent, Mr. H. C. Johnson, be printed in the record. If there is no objection, that will be done.

(The letters above referred to are as follows:)

HOUSE OF REPRESENTATIVES,  
Washington, D. C., January 30, 1930.

Hon. L. C. DYER,  
*House of Representatives.*

MY DEAR MR. DYER: In accordance with my conversation with you, I hand you herewith the letter of my constituent, Mr. H. C. Johnson, of Osnabrock, N. Dak., which you have consented to submit to the subcommittee of which you are chairman at the hearings on the legislation proposing The Star-Spangled Banner as the American national anthem.

Hand-written copies of the music proposed for My Country 'tis of Thee' are also inclosed in sufficient number for all members of the subcommittee. I presume that same may also appear in the printed hearings.

By the way, Mr. Johnson suggests that your committee either have experts play and sing this composition for you, or that you obtain the advice of experts thereon.

Very respectfully yours,

O. B. BURTNES.

OSNABROCK, N. DAK., January 27, 1930.

TO the MEMBERS OF THE HOUSE JUDICIARY COMMITTEE,  
*Washington, D. C.*

HONORABLE GENTLEMEN: From press reports I learn that official consideration of the proposition of having a national anthem adapted for the United States is soon to be given at Washington, that a bill is pending to declare the Star-Spangled Banner the national anthem of the United States, and that hearings by the House Judiciary Committee would doubtless be granted at an early date.

That this information was hailed with great satisfaction throughout the land there is good reason to believe, for thousands of Americans have, no doubt, like myself, been looking forward for that day to come, when our country, the foremost country in the world, would have a national anthem, as other civilized countries have, that was honored by official distinction.

Gentlemen, it would have been a great pleasure to me if circumstances had permitted me to appear before the committee to present my views on this controversial subject personally. But because of financial reasons I am unable to do so, the expense being more than what a man with a large family and very moderate means can afford, and I am aware of the fact that the Government does not pay the expenses for those who appear in committee hearings, though in certain cases it would seem practical for the Government to do so, if a committee should desire to call in persons to give testimony or other information that it

expenses were paid. Therefore do I take this means of presenting before your committee a few facts, together with my personal opinion on this subject, which I hope will have your kind consideration in the final selection of our national anthem.

It was my privilege during the earlier years of my life to study the theory and harmony of music, and my compositions run way past the hundred mark, though most of them are only plain sacred songs.

In music we have, what is termed, the law of music. Harmony is built in accordance with this law. Rhythm is a creation of law. A poet writes his poetry in conformity with this law. A composer writes his music in conformity with this law. The law of poetry and the law of music is identical. It is one and the same thing. When the words and the music are written in conformity with this law, then we have true harmony. It therefore, at once becomes apparent that the composer of songs as well as the composer of music must have a fair knowledge of this law in order that their products may be free from errors.

I realize full well that the task of selecting the national anthem for the greatest Nation in the world is a matter of no little importance. There are several things that must be taken into consideration, and not least of all should that be considered that the words and the music is free from rhythmical errors. In my humble opinion a national anthem is something more than an ordinary song. Because of its official distinction it has advanced into a class of its own, it has become, so to speak, "the first song of the land," and therefore, I believe it is only just and fair to expect that our national anthem must be free from rhythmical errors.

It is my personal opinion that the national anthem should be one that can be easily sung by the ordinary American audience. The scale of the tune should be within the reach of the ordinary voice, neither too deep nor too high. The music should be simple, easy to learn, and easy to play, even for the most ordinary performer. The word "simple" does not mean music of inferior quality. Some of the plainest music is often the most beautiful. For the national anthem the music should be not only beautiful in harmony, but patriotically inspiring. It should be a song that every American who can sing at all would delight in singing whether at home or abroad.

Now, gentlemen, let us turn to The Star-Spangled Banner. It is a war song, born under the roaring of guns, and is therefore permeated with the spirit of war, rather than the higher and nobler ideals of Americanism. It is irregular, though set to music that has a martial ring; several notes are out of reach of the ordinary voice. The rhythm of the words and the rhythm of the music at some points are opposite, causing a disharmony that must be apparent even to nonmusical ears. To point out the errors and explain each one would take up too much of your valuable time, but as an illustration I wish to point to the second strophe of the fifth line in the first verse. It reads: "the bombs bursting in air." Now if this had read "bursting bombs in the air," or "and the bombs in the air," the rhythm would have been acceptable, but the way it is the accent falls on the wrong syllable, which is a coarse error from a musical standpoint. The music, even if it was once the air of a drinking song, sounds well when played by the band, and this may be the one reason why it was chosen for military and naval use, but the people generally can not sing it. "It is so hard to sing," seems to be the opinion of the people. The words, too, apply to a particular event and are too descriptive to be easily remembered. When a crowd undertakes to sing it everybody starts out bravely with "Oh, say, can you see," half the company mumble the last half of the line, and the rest of it, until the refrain is reached, is pretty much a jumble of meaningless syllables. It was never popular with the people and never will be. And furthermore, why should such words as these: "On the shore, dimly seen thro' the mist of the deep, Where the foes' haughty host in dread silence reposes," and, "Their blood has washed out their foul footsteps' pollution; No refuge could save the hireling and slave From the terror of flight or the gloom of the grave," be incorporated in our national anthem? We are leaders in progress, exponents of peace. One of our highest duties has been to lead the world into the permanent paths of peace. Our flag is the emblem of Americanism, and Americanism means love of home, love of country, love of all humanity. No; gentlemen; a war song, even if it was free from musical errors, will not meet all the requirements of true patriotic sentiments.

Now let us turn to America:

"My country, 'tis of thee,  
"Sweet land of liberty,  
"Of thee I sing."

We find no war spirit here; no reference to the days of blood, tears, and strife. We meet here the patriotic spirit of the noble free; it is sweet freedom's song. It breathes the love of home, love of country, love of our fellowmen. We let all that breathe partake. We let rocks their silence break, the sound prolong, the sound of American patriotism, and we ask the King of Kings to protect our freedom and our country by His great might.

Gentlemen, this is the only anthem that, in my humble opinion, as nearly as possible meets all the requirements of true patriotic sentiments of the American people of to-day.

The song is regular; it is rhythmically correct. The people, no doubt, would favor the selection of America, but then again objection is interposed that it is the same tune as the national anthem of another country.

It is this objection, gentlemen, that I wish to remove by offering to the American people an American tune, written by an American in America, a tune that is easy to learn, easy to sing, and easy to play, and its range is within the reach of any ordinary voice. And I venture to say that the music is beautiful and inspiring from a patriotic point of view.

This music has never been published as yet. It has been copyrighted.

I take great pleasure, gentlemen, in handing you herewith these handwritten copies of this patriotic tune, and I urge you to have this music played for you, and that you will fully consider it on its merits, and if so should be that that beautiful anthem, America, is selected as our national anthem, no higher honor should I crave than that this simple American tune is accepted as the official tune of the national anthem of the United States of America.

Sincerely and very respectfully yours,

H. C. JOHNSON.

### STATEMENT OF REPRESENTATIVE LOUIS T. McFADDEN

Mr. McFADDEN. On April 17, 1918, I introduced H. J. Res. 280, proposing to adopt The Star-Spangled Banner, words by Francis Scott Key and music by Samuel Arnold, as the national anthem. Failing to get favorable action, however, I again on June 16, 1922, introduced H. J. Res. 349, the resolutions being identical. This latter resolution met the same fate as the earlier one.

Following the introduction of these two bills I received a great deal of information for and against the proposal. My files are voluminous. The main factors which stopped my further activities were: Difficulties in getting the proper consideration by the Congress, and certain definite information which had a very important bearing on the subject and which I shall bring up later on.

I hope that I may be able to give you information which may be helpful to you in any determination which you may make. First of all, my ancestry were Scotch-Irish and American. My ancestors were with Washington at Valley Forge and can also be traced to William Penn and Garrison. My father fought four years in the Civil War and was wounded at the Battle of the Wilderness. As a Member of Congress for the past 16 years, I have each new Congress taken the oath of office, pledging myself to defend our Government and its institutions; and the flag and the national anthem I consider to be two American institutions.

Practically all countries on the globe have their national anthems, as does England. Their national air is engraven on their minds, as in this country is the Star-Spangled Banner which is frequently played at the conclusion of each entertainment.

So many people in this country want to sing My Country 'Tis of Thee to the tune of God Save the King and are trying to confuse our national anthem with this. God Save the King was composed in 1607 to celebrate the delivery of James I from the gunpowder plot,

and this plot is referred to in the second verse in the words "Confound their knavish tricks." The origin of the composition is related in a volume of some two hundred pages, entitled "God Save the King," by Richard Clark, London—W. Wright, Fleet Street, 1822. Its composer and first instrumental renderer was John Bull, Music Doctor, Cantab-Instaur-Oxon, 1592 (the apparent reason why the English Nation is called "John Bull"). This volume can be found in the Columbia College Library in the city of New York, and also in the British Museum Library, London. Unfortunately, it is not in the Library of Congress. This book was subscribed for by several hundreds of the nobility of England, whose names are published; King George IV himself subscribed for six volumes, thus putting the Hall Mark of nobility and royalty on the authenticity and correctness of the statements of Richard Clark in 1822.

Some 60 years afterwards, or about 1880, a music encyclopedia referred to Richard Clark as having published a pamphlet on God Save the King, and doubted its correctness. It looks as though the 1880 encyclopedia writer never even saw that book. A bound volume of 200 pages with steel engravings is not a pamphlet. Being a subscription volume it may not have been accessible to the common writer. Any jury of 12 intelligent men would accept as final Clark's statements indorsed by several hundred peers of the British realm and by the King of England himself.

I know, however, that it is the fashion of music publishers to ascribe God Save the King to Henry Carey about 1750. Carey wrote Sally in our Alley which is instanced as his capability; but God Save the King and Non Nobis Domine (sung as a "grace after meat"), both composed by John Bull, are elevated, dignified, and religious in words and composition; while Sally in our Alley is of the flippant variety in verse and music.

John Bull was, according to all biographies, a famous musician of international renown and was prominent in other courts than that of England—Admiral Preble suggested that God Save the King might be of French origin. The biographers of John Bull say that he visited the French Riveria for three years in search of health and returned recovered to England about 1605. In 1607 he produced God Save the King, and the thought suggests itself that he probably heard this tune, or the suggestion of it, in that Land of the Troubadours. It probably was originally a folk song and has come down through the ages, more or less modified. It is a fine tune for a national air, but if we must adopt a foreign tune why not use the Russian national air, which is far superior to God Save the King.

I know that many people in America, whose patriotism apparently is unquestioned, are opposed to any attempt to perpetuate the Star Spangled Banner as the American national air, and that many of these people still insist that America to the tune of God Save the King is the proper national air. If it had not been for the Revolutionary War, the adoption of America to the tune of God Save the King might have been and probably would have been a perfectly proper national air, but it must be understood now, that God Save the King is the monarchical air of the British Empire. Therefore, it seems to me that we have a right to have our own national anthem. I have been educated to believe that our American freedom consisted of emancipation from monarchical forms of government, officialdom,

divine right, the feudal system and its modern ramifications; also emancipation from class distinctions, king, prince, duke, earl, baron, count, and such hereditary privileges, which separate the classes from the masses in monarchical countries.

I insist that the monarchical air, God Save the King, having been sung for more than 300 years, belongs to the British Kingdom and Empire; and for us Americans now to claim it, is as sensible as for us to claim all the other monarchical prerogatives and heritages. Kings may come, and kings may go, but a national air goes on forever.

So much for the proposal to adopt God Save the King, a British anthem, for America's national anthem.

Now, I desire to say a few words in behalf of the Star-Spangled Banner, which, I insist, is the national anthem of the United States and has so been regarded by all true Americans almost from the day it was written. This anthem was written as a result of our resistance to an attempt by the British in 1814 to destroy our Government.

In September of that year the city of Washington was burned; the handful of American warships was driven to port by force of superior numbers; the Atlantic coast from Maine to Louisiana was open to attack; the fate of the Union was in the balance. It was then that Fort McHenry stood firm against the invader, redeemed our eastern seaboard, and saved the Federal Government from serious disaster or utter ruin. It was at Fort McHenry that the writer of the Star-Spangled Banner received his inspiration at an hour when our new Republic was in grave difficulty. The victory at this point brought the war with Great Britain to a close and ushered in a century of peace. And Fort McHenry has remained sacred to the earliest traditions of the American people. Thus this victory is linked inseparably with our national anthem, the Star-Spangled Banner. While Fort McHenry is preserved to guard the sacred memory, so, too, we must guard the inspiration that produced simultaneously our national anthem. We can no more destroy the memory of one than of the other.

It is not necessary to relate the incidents that lead up to the attack on Fort McHenry. It was well understood that the hope of the Middle Atlantic seaboard and, perhaps, the Union itself lay in the city of Baltimore; and the hope of Baltimore was in the garrison and guns of Fort McHenry with such untrained troops as could be mustered together. On that fatal Sunday morning of September, 1814, the alarm was sounded through the streets of Baltimore. The British Fleet had entered the Patapsco River and the cannon boomed on the courthouse plaza summoning the militia to arms in defense of the city.

These noble Americans proceeded to draw up their lines of defense, and thus began the encounter at North Point known in history as the Battle of Baltimore. The attack on Fort McHenry was the crucial or decisive engagement where, when the British stormed the American earthworks, they were checked by a fire of shot, slugs, scrap-iron, and nails. It was a desperate battle. The lines of both armies swayed back and forth with victory smiling first on one side and then on the other. The record shows that the British lost 600 men that day, and the Americans 150. At dusk a great storm broke and the fighting halted. At daybreak the rain ceased and the battle began anew. The British commander ordered his men forwarded to avenge the

setbacks of the day before. The British Fleet cooperating in battle formation, opened fire and 15 ships hurled bombs, rockets, and solid shot into the ramparts.

The garrison at the fort opened up a defensive fire but the range of the guns and mortars fell short of the ships. The British noticing this moved closer to thus hasten the victory. This move, fortunately, gave the defenders their opportunity. A well directed fire was ordered which wrought havoc on the decks of some of the attacking fleet. The battle waged through that day and night.

During all of this bombardment, none watched with more anxiety than Francis Scott Key. He had gone aboard the *Minden*, which, flying a flag of truce, was being used for the exchange of prisoners, his one aim being to secure the release of an old friend who had been seized on charges of taking up arms against British stragglers. Key obtained his friend's release but both were detained on the *Minden* awaiting a completion of the British plans. From the decks of this ship, Key and his friend watched every belch of the cannon as the battle proceeded, and at midnight he saw 1,250 men equipped with scaling ladders drop from the British fleet into barges to surprise the defenders of the fort by a rear attack. Imagine how the hearts of these two patriots beat as, helpless to give the alarm, they saw this strategic move get under way with every prospect of success. In attempting to effect a landing, however, this surprise force struck lights and these lights cost it a possible victory. The defenders thereupon set fire to a hay stack and, as its glow revealed the barges, Fort McHenry and the redoubts shook with the salvos of their defense guns.

The 6-gun battery, which the British had planned to take by storm, and was quickly manned that midnight by a little group of cannoneers whose cool valor was sustained by the thoughts of home and country and to them this country is indebted for the final repulse of the enemy.

Many of the landing party were killed and wounded. Two boats were sunk and the survivors made back to the fleet. The defenders lost 4 killed and 24 wounded. Eighteen hundred shells had been thrown into the fortifications but no white flag flew from the great staff on the ramparts.

That night, with the fate of the city and undoubtedly the existence of the Union hanging by a thread, Francis Scott Key paced the decks of the *Minden* and each shell that sped screaming from the ships was a stab at his heart, a challenge to all he held dear. When the first blush of morning tinged the sky he gazed toward the battlements and with straining eyes beheld the Stars and Stripes, scarred, but still defiantly floating. The cannonading had ceased; the attacking troops, many of them wounded, had been conveyed to the ships and the fleet was setting its sails. The joy of Key was unrestrained and from his soul came The Star-Spangled Banner. Thus was put into words the exaltation which coursed through the veins of every loyal American as the tidings of the triumph spread. It was conceived in the midst of shrieking shell and bursting bomb, and because of this it is truly the National Anthem of America, born in victory. The battle had been fought and freemen had dealt a crushing blow to the invader.

Can any true American say, after the recital of this incident of the birth of The Star-Spangled Banner, that we should now take for

our national anthem words set to the tune of God Save the King? preposterous and ridiculous! I insist that by birth, continued growth and development with this country and by a declaration authorized by law, The Star-Spangled Banner is the legal national anthem of the United States to-day. As further proof of this, regulations adopted by the Army and Navy in 1916 and formally approved by Woodrow Wilson, then President of the United States, under Section 1547 of the Revised Statutes of the United States, were as follows:

The composition consisting of the words and music known as The Star Spangled Banner is designated the national anthem of the United States of America.

Since this time both the Army and the Navy, under orders issued by the Secretaries of their respective departments, have recognized The Star-Spangled Banner as being the national anthem of the United States of America. Because of this pronouncement, authorized by the statutes, carried in the regular form and approved by the President of the United States, The Star-Spangled Banner is now and ever shall be the national anthem of the United States; and no succeeding President so long as the Constitution stands will ever dare repeal this authorization.

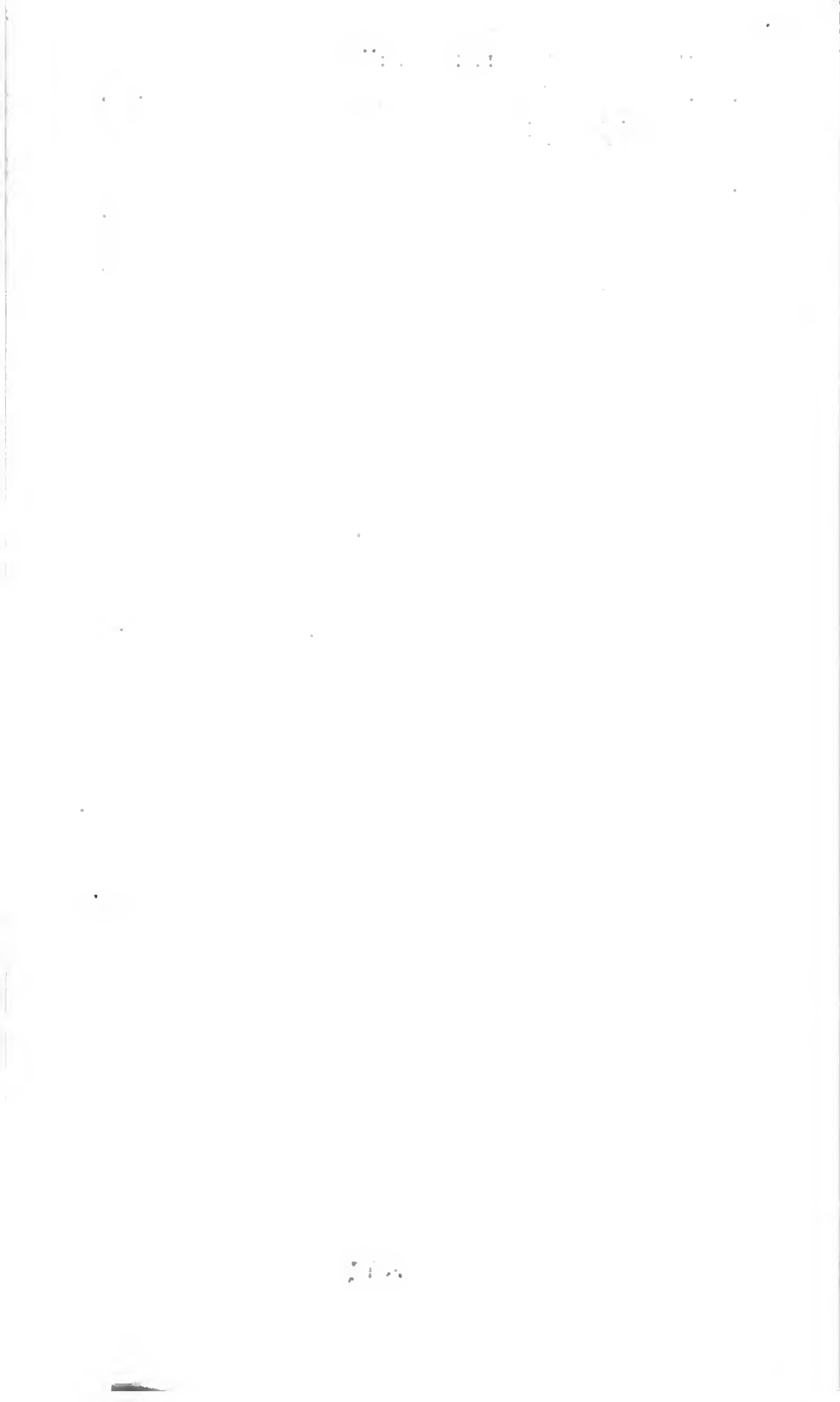
Any legislation that is now passed will simply confirm the action already taken by a President of the United States under authority of law.

Mr. DYER (continuing). Is there any other witness who desires to be heard? If not, the hearings will be closed.

(The subcommittee thereupon adjourned subject to the call of the chairman.)

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